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# NIAGARA ESCARPMENT PROPOSED PLAN HEARING

## **Report of the Hearing Officers**

A.L. McCrae, Chief Hearing Officer  
W.T. Shrives, Hearing Officer  
M.D. Henderson, Hearing Officer

Volume Two

January 1983

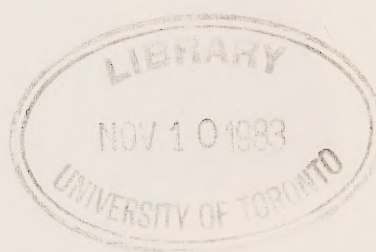


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NIAGARA ESCARPMENT PROPOSED PLAN HEARING

REPORT

OF THE HEARING OFFICERS





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# NIAGARA ESCARPMENT PROPOSED PLAN HEARING

## REPORT

### OF THE HEARING OFFICERS

A. L. McCRAE, Chief Hearing Officer

W. T. SHRIVES, Hearing Officer

M. D. HENDERSON, Hearing Officer



WALTER W. GOWING, Chief Administrator  
CAROL A. BEVERIDGE, Hearing Secretary

VOLUME TWO  
JANUARY 1983



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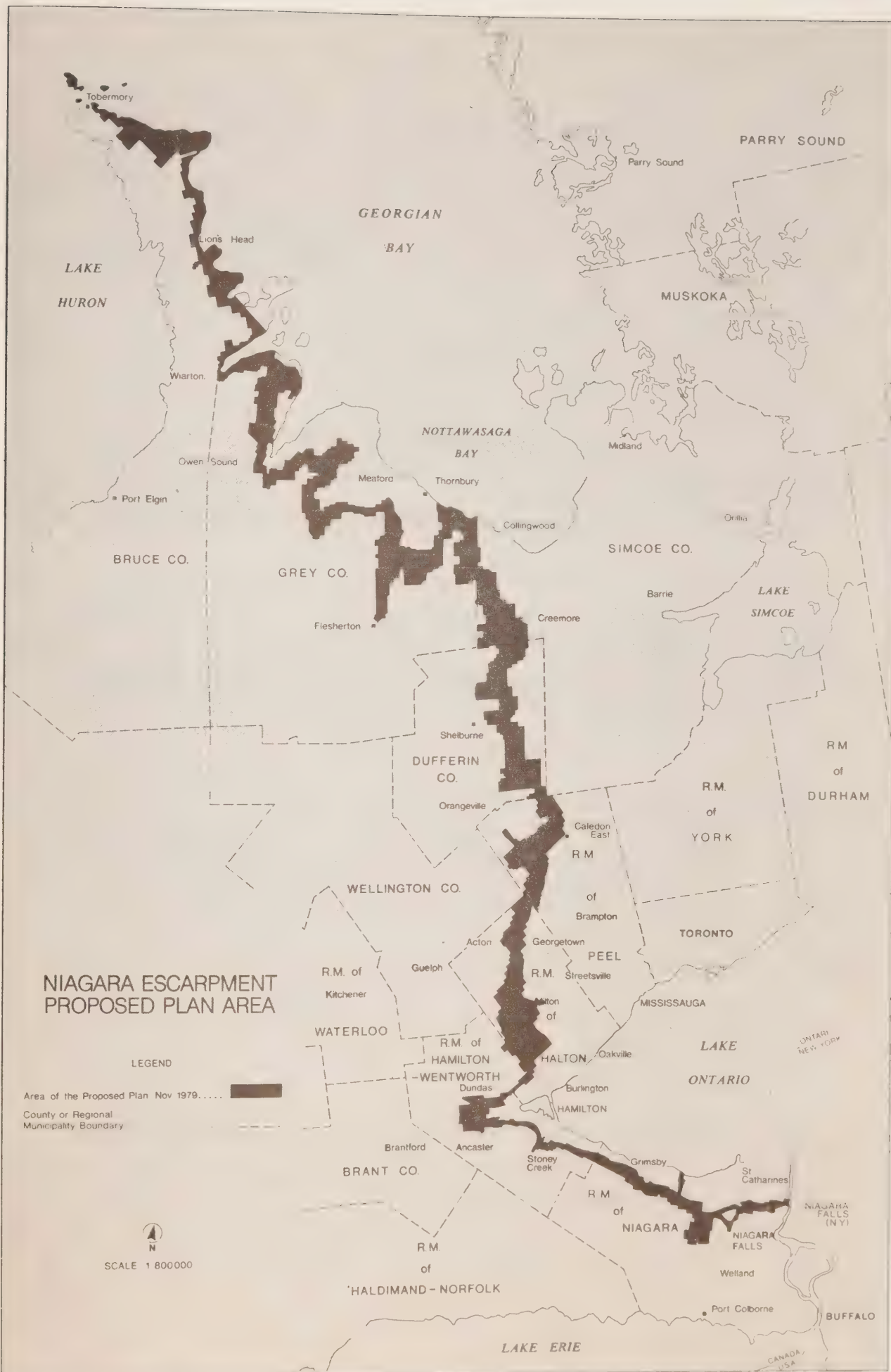
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*This is Volume Two of a four volume report  
by the Hearing Officers on the Niagara  
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NIAGARA ESCARPMENT  
PROPOSED PLAN AREA

LEGEND

Area of the Proposed Plan Nov 1979.....

County or Regional  
Municipality Boundary



SCALE 1 800 000







## Niagara Escarpment Proposed Plan Hearing

Ontario

A. L. McCrae, Chief Hearing Officer

W. T. Shrives, Hearing Officer

M. D. Henderson, Hearing Officer

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## PHASE I

### GENERAL STATEMENT

The *Niagara Escarpment Planning and Development Act* in Section 10 (6) requires that "a summary of the representations made together with a report ... shall be submitted for each part of the Niagara Escarpment Planning Area for which a hearing or hearings was held".

In accordance with this requirement the summaries of submissions and report for the Phase I section of the hearing conducted in Ancaster and Owen Sound is contained herein.

The Phase I process is further explained in Chapter 1 - THE HEARING PROCESS, of Volume 1 of this report.

The submissions for this section are numbered 1 to 74 inclusive and 117 to 227 inclusive.

This report must be read in conjunction with the general section in Volume 1 of this report.



PHASE I

SUMMARY

OF

SUBMISSIONS, RECOMMENDATIONS AND REASONS





FILE NO. G 200-58  
G 200-81

SUBMISSION NO. 1

COUNSEL: S. Baldwin  
OWNERS: Fenwood Development Limited - R. Banting  
K.E. Martin  
LAND: Part Lots 48 and 49, Concession 2  
Town of Ancaster

---

SUMMARY OF SUBMISSION:

This submission makes the following points:

1. Defines the Niagara Escarpment essentially as a rock face.
2. Protected area would be watersheds immediately above the Escarpment.
3. The most important geological threat to the continued existence of the Escarpment is any activity which accelerates runoff and erosion.
4. Scarp is not a continuous feature.
5. Prefers local zoning by-laws as the instrument to control land use.
6. Voiced concern as to the implementation of the Plan.

K.E. Martin who appeared on his own behalf concurred with this submission.

EXHIBITS:

36. Curriculum Vitae - Dr. M.J. Risk
37. Mount Hope, Ontario Map (30M/4e - Edition 3), 1973
38. Dr. M.J. Risk, submission dated May 1, 1980

39. (a) Qualifications - Donald May, M.C.I.P.

(b) Donald May & Associates Ltd., Ancaster - submission dated May 1, 1980. K. Martin and R. Banting.

RECOMMENDATION:

None.

REASONS:

This submission is of a general nature and recourse should be had to the recommendations, comments and reasons in the general section of this report.

OWNER: Dr. John N. Jackson

---

SUMMARY OF SUBMISSION:

Dr. Jackson's brief covered several issues and although he welcomed the major proposals of the Proposed Plan he also felt that its content should be strengthened in several places.

1. He pointed out that what is needed is a sensible and authoritative plan and a firm commitment by the Provincial Government.
2. The extent of the Planning Area: any further reductions of the Proposed Plan should be stoutly resisted.
3. Land Use Policies: in view of the fact that the Proposed Plan is so greatly reduced then land use policies should be more stringent and encourage development outside the area of the Proposed Plan.
4. The Bruce Trail: the trail is an essential component of the Proposed Plan and he accepts all the provisions respecting the trail.
5. Scenic Drives: would like to see scenic drives reintroduced into the Proposed Plan.
6. Implementation: does not agree with delegating the control of the Proposed Plan to local authorities.

RECOMMENDATION:

None.

REASONS:

This submission was generally in support of the Proposed Plan and also covered some alleged deficiencies in the Plan. We have

Submission No. 2 continued

attempted to answer many of the problems set out in this submission in our recommendations, comments and reasons in the general section of this report.



AGENT: Corwin Cambray, Manager, Policy Planning

GROUP: Regional Municipality of Niagara

---

SUMMARY OF SUBMISSION:

This brief covers the following municipalities: Town of Lincoln, Town of Niagara-on-the-Lake, City of Niagara Falls, City of Thorold, Town of Pelham, and the City of St. Catharines. The Town of Grimsby generally does not support the Proposed Plan.

Several recommendations were made as follows:

1. That the Proposed Plan policy on agriculturally related retirement severances be reviewed and clarified.
2. That the Escarpment Rural Areas designation be amended to eliminate non-conformity with local and regional official plans or delete entirely from the Proposed Plan Area. In those areas where removal of the Escarpment Rural designation would leave an Escarpment Natural Area without any abutting "buffer" designation, the Escarpment Protection Area designation could be extended to include part of the former Escarpment Rural Area.
3. That the Urban Centre designations in the Proposed Plan for Grimsby, St. Catharines and Thorold be deleted.
4. That development criteria for the evaluation of new pits and quarries, which may or may not require an amendment to the Escarpment Plan, be clarified.
5. That further clarification of the appropriate and desired after uses of excavation areas be provided.
6. That the Proposed Plan strategy for stabilizing the Bruce Trail be endorsed, but with some provisions for

compensation to adjacent landowners who may suffer property damage.

7. That the proposal to retain development control as the primary tool for land use regulations within the proposed Escarpment planning area be endorsed.
8. That the Province recognize the need for funds to purchase vacant lots in particularly significant locations.
9. That the Proposed Plan be modified to provide that grants shall be given to municipalities towards the cost of amending planning documents to resolve conflicts between the Escarpment Plan and municipal plans.
10. That the Regional Municipality of Niagara be the implementing body for the Niagara Escarpment Plan when approved.
11. That the procedure for appeals from Ontario Municipal Board decisions be clarified with at least the final decision on amendments to the Escarpment Plan being made by a Provincial Minister.

RECOMMENDATION:

None.

REASONS:

This submission was generally in support of the Proposed Plan and also covered some alleged deficiencies in the Plan. We have attempted to answer many of the problems set out in this submission in our recommendations, comments and reasons in the general section of this report.

FILE NO. G 200-66

SUBMISSION NO. 4

AGENT: G.P. Branch

GROUP: Zone 3 Ontario Sheep Association

---

SUMMARY OF SUBMISSION:

The brief presented by Mr. Branch covered four main headings as follows:

1. Potential increase of dogs.
2. Increase of garbage, etc.
3. Trespass and liability.
4. Compensation.

RECOMMENDATION:

None.

REASONS:

The problems raised in this brief do not have relevance to the Niagara Escarpment Plan in particular, but can be encountered generally in any area. We have no power to recommend regarding compensation.

OWNER: Victor L. Dukeshire

---

SUMMARY OF SUBMISSION:

In his evidence he pointed out that:

1. Too much land is given over to parks and recreational lands related to population.
2. Feels the hearings are cut and dried.
3. As a taxpayer doesn't agree with the Proposed Plan.

RECOMMENDATION:

None.

REASONS:

Submission much too negative to receive any comment.

AGENT: Ron Jones, Chairman of Properties Committee

GROUP: Ontario Federation of Agriculture

---

SUMMARY OF SUBMISSION:

Following is a summary of the brief presented by the Federation:

1. That Section 2.9 must be more definitive and developed in consultation with the affected farmers.
2. That local planning boards and municipal governments be given a prominent role in implementing development control.
3. That agricultural status be given to lands other than Class 1 to 4, which are part of a farm or are in special agricultural use.
4. That the Commission undertake further compromises to facilitate local concerns.
5. That the property rights of landowners be protected and public recreation rights not be given higher priority.
6. That the Plan undertake objectives which would ensure the competitiveness of agriculture within the planning area.
7. That a positive approach to forest conservation be adopted recognizing the traditional and legitimate needs of farmer-owned woodlands.
8. That the *Ontario Drainage Act* be the legislative guide for stream and water conservation measures.
9. That no landowner unwillingly suffer financial loss or



forfeit property rights resulting from the implementation of the Niagara Escarpment Plan.

RECOMMENDATION:

None.

REASONS:

This submission was generally in support of the Proposed Plan and also covered some alleged deficiencies in the Plan. We have attempted to answer many of the problems set out in this submission in our recommendations, comments and reasons in the general section of this report.

AGENT: Mrs. Anne H. Jones, Chairperson  
GROUP: Niagara Escarpment Regions and Counties Advisory  
Committee

---

SUMMARY OF SUBMISSION:

Mrs. Jones' brief presented on behalf of the above committee made certain recommendations and comments as follows:

The brief while in support of the Proposed Plan points out that the views expressed represent only a consensus and not necessarily all members of the committee. At the same time it requests that certain changes be made in many of the sections.

1. To clear possible confusion in consent provisions re New Lots referred to in Section 2.3 and 2.4 it proposes a rewording.
2. Under Permitted Uses, etc. in Section 2.4 and 2.5 it requests a modification from "local official plans" which are specified to include official plans of counties and regional municipalities.
3. Since development criteria are specifically listed for other designations the same should be done for Urban Group One under 2.6.1.
4. The committee is concerned that the Proposed Plan does not adequately protect prime mineral resources not specifically designated and proposes they be called Mineral Resource Protection Areas and within such areas development and severances for residential purposes be prohibited. New aggregate extraction should be permitted in such protection areas as is the case in Escarpment Rural Areas with tonage and size limits for operations in excess of 20,000 tonnes per annum be determined and stipulated on the

development permit prior to approval of a licence.

Extraction of low quality mineral resource may on amendment suggested, be allowed only as a by-product of the extraction of high quality material.

There should be a permitted uses section added before the New Licences section of the Mineral Resource section and under Existing Licensed Areas the Proposed Plan should clarify what is meant by "adjust the licences and/or the site plans .....".

5. The committee recommends that under Existing Lots section amendment should be made to permit their development if compliance can be made with the necessary requirements.
6. The provisions of 2.9.4 (1) re water quality concerns the committee and the requirement regarding the avoidance of changes to the natural drainage it believes, has the potential of restricting certain farm practices, (e.g. tile drainage). Amendment is proposed to in effect exempt farm activity. In the same section the word "private" should be inserted before phrases ..... sewage systems". A more flexible system of setback standards for existing lots is proposed.
7. The Province should develop procedure to ensure that amendments to the Plan, local official plans and by-laws be dealt with in one process.
8. Should be significant grant increase in lieu of taxes for provincially owned land in the Escarpment Parks System.
9. Supports development control over area of Proposed Plan but municipalities should have option of zoning in Urban, Minor Urban, Escarpment Recreation Areas, and Escarpment Rural Areas.

Submission No. 7 continued

10. The delegation of administrative control over lands in the Plan should be made to regions and counties capable and willing to assume such and a secondary delegation should be permitted by counties only to area municipalities if capable and willing. Appropriate for Province to retain control within these municipalities with large areas designated "Escarpment Natural Areas".
11. More complete and wider notice should be given regarding development proposals and decisions made on each. Implementing body by amendment proposed would render a decision on a development permit application within sixty days.
12. Amendment suggested under Section 4.4.1 of the Proposed Plan to provide for involvement of municipalities in the management of public lands.
13. Provincial grants to conservation authorities and municipalities to cover 100% operating costs of Escarpment Parks management.
14. The definitions, Section 6.1, be included as part of the Plan.

RECOMMENDATION:

None.

REASONS:

This submission was generally in support of the Plan and also covered some alleged deficiencies in the Plan. We have attempted to answer many of the problems set out in this submission in our recommendations, comments and reasons in the general section of this report.

AGENT: C.R. Leuty, Chairman, Niagara Escarpment Committee

GROUP: Ontario Institute of Agrologists

---

SUMMARY OF SUBMISSION:

The Institute is an organization engaged in all facets of the agricultural industry.

Mr. Leuty's brief covered the following points:

1. Areas of the Proposed Plan need clarification and modification.
2. Feels the Plan underestimates the role of agriculture and the importance not to inhibit agricultural production with increased restrictions and regulations.
3. Fears the Food Land Guidelines will become the rule rather than just policies in Section 2.9.7.
4. Body implementing the Plan must be staffed with people with a knowledge of agriculture and the rural community.
5. Use of the slopes for the growing of grapes in the Niagara Area.
6. Importance of good quality water to the industry.
7. Parks could have a negative effect on farming.
8. The Plan should be administered locally to utilize local knowledge.
9. Farmers should have adequate protection when the public use their lands.

RECOMMENDATION:

None.



REASONS:

Submission highlights alleged farm operations conflict with the Proposed Plan. We have attempted to answer these problems in our recommendations, comments and reasons in the general section of this report.

OWNER: Malcolm Kirk

---

SUMMARY OF SUBMISSION:

Suggestions made in the brief:

1. Best section of the Niagara Escarpment should be purchased or easements obtained to link up lands already acquired.
2. Exclude large subdivisions, housing on cliff tops and quarrying on or near it.
3. Natural areas be retained, preserved and purchased.
4. A land bank fund should be established by the Niagara Escarpment Commission to acquire lands when they become available.
5. Implementation of the Plan should be left with the Niagara Escarpment Commission.

RECOMMENDATION:

None.

REASONS:

We have attempted to answer many of the problems set out in this submission in our recommendations, comments and reasons in the general section of this report.

FILE NO. G 200-76

SUBMISSION NO. 10

OWNER: G. Frank Harshman

---

SUMMARY OF SUBMISSION:

Mr. Harshman's brief dealt primarily with the inequities created by the Plan and felt that no part of the Proposed Plan should be approved.

RECOMMENDATION:

None.

REASONS:

Submission much too negative to comment on.

AGENT: Ms. Helen Whyte, Planning Consultant

GROUP: City of Thorold

---

SUMMARY OF SUBMISSION:

The City of Thorold is in basic agreement with the Proposed Plan. The City is not greatly affected and suggests that the Regional Municipality of Niagara is the appropriate body to implement the Plan.

RECOMMENDATION:

None.

REASONS:

This submission is of a general nature and recourse should be had to the recommendations, comments and reasons in the general section of this report.

AGENT: Ron Reid

GROUP: Federation of Ontario Naturalists

---

SUMMARY OF SUBMISSION:

Mr. Reid's brief on behalf of the Federation represents 52 federated nature clubs and members throughout the Province. It is also one of the leading groups in setting up the Coalition on the Niagara Escarpment (C.O.N.E.).

1. The Niagara Escarpment needs protection beyond that normally afforded through land use controls.
2. The Niagara Escarpment is one of eight features in Ontario with national significance.
3. Retention of the Plan as a continuous corridor.
4. Feels that the treatment of mineral resources in the Plan does not go far enough.
5. The development of agricultural lands should be carefully reviewed and be specifically dealt with.
6. Fear that the objective of purchase in 2.9.2 cannot be achieved.
7. Federation of Ontario Naturalists strongly supports a strong implementing structure for the Plan.
8. Strongly support the identification of a linked parkland system along the length of the Escarpment.
9. Section 3.2.1 replace objective No. 1 with "To preserve regionally and Provincially significant elements of the natural and cultural landscape of the Escarpment area".
10. Section 3.2.2 recommends change in wording as

follows:

- (a) That certain scattered areas of limited significance already in public ownership be deleted from the proposed Park System, and retained in their existing state as undesignated public lands.
  - (b) That the Ontario Provincial Parks Planning and Management Policies be applied without exception to the designated parklands, regardless of present ownership.
11. That the park classifications contained in Sections 3.2.3 and 3.7 be amended to Nature Reserve Parks, Natural Environment Parks, and Recreation Parks.
12. That Guideline No. 6 in Section 3.2.4 be replaced by "Amendments to the Parks classification will require approval of the Niagara Escarpment Commission or the equivalent implementing agency for this Plan.
13. That Section 3.4 include the following:
- (a) That funding for acquisition of land or rights on the Niagara Escarpment should be placed in a Niagara Escarpment Lands Fund, as will be outlined in the Coalition on the Niagara Escarpment submission (No. 49) to these hearings, and that such funding should accumulate in this fund from year to year to enhance the flexibility of land purchases.
  - (b) That Parks Canada be invited to play an active role in the acquisition of National Landmarks along the Niagara Escarpment, and to enter into cooperative agreements with provincial agencies for joint funding or management of park areas.



Submission No. 12 continued

- (c) That Section 3.4 note that acquisition priorities will be reviewed at the end of five years, with changes or additions as necessary made at that time.
14. The comments on Section 3.7 include several recommendations for changing the designations of several parks.
15. Landowners should not be made to provide benefits or make speculative profits.

EXHIBITS:

40. Federation of Ontario Naturalists 1979 Annual Report and Program for 1980.
41. Federation of Ontario Naturalists  
Submission to the Niagara Escarpment Commission regarding the Preliminary Proposals, September 1, 1978.
42. Federation of Ontario Naturalists  
Submission to the Niagara Escarpment Interest Groups Advisory Committee, May 29, 1979.

RECOMMENDATION:

None.

REASONS:

This submission was generally in support of the Proposed Plan and also covered some alleged deficiencies in the Plan. We have attempted to answer many of the problems set out in this submission in our recommendations, comments and reasons in the general section of this report.

As far as the recommendation for changing the designations of several parks in Section 3.7 is concerned, we are of the opinion that

these changes if deemed advisable can be made by the Niagara Escarpment Commission.

AGENT: Miss Rose Menyes, Senior Conservation Planner  
GROUP: Credit Valley Conservation Authority

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SUMMARY OF SUBMISSION:

The Proposed Plan for the most part recognizes the Credit Valley Conservation Authority's natural resource concerns.

The Authority's brief sets out the following concerns:

1. Does not take into account the proposed land acquisition programs of the Authority.
2. That Provincial funding will be directed to land acquisition in the Niagara Escarpment at the expense of Conservation Authorities' acquisition programs.
3. The suggestion that Conservation Authorities should play an increased role in the provision of recreation facilities needs to be qualified to ensure that only passive type recreation is to be considered.
4. That the Credit Valley Conservation Authority will have to prepare another Master Planning Program which would only be redundant.
5. That the implementation of the detailed land use policies can be delegated to municipalities (the Credit Valley Conservation Authority wants the Province to retain responsibility).
6. Wants development control system to be continued.

RECOMMENDATION:

None.

REASONS:

This submission was generally in support of the Proposed Plan and also covered some alleged deficiencies in the Plan. We have attempted to answer many of the problems set out in this submission in our recommendations, comments and reasons in the general section of this report.

FILE NO. G 200-68

SUBMISSION NO. 14

OWNER: Dr. Emil Zmenak

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SUMMARY OF SUBMISSION:

Dr. Zmenak's brief concerned a specific matter but in general stated that any landowner should not be "held up" under any circumstances for more than one year in seeking a development permit.

RECOMMENDATION:

None.

REASONS:

This matter is dealt with in recommendations, comments and reasons in the general section of this report.

FILE NO. G 200-61

SUBMISSION NO. 15

OWNER: Alex Matulewicz

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SUMMARY OF SUBMISSION:

This brief's prime goal is the conservation of the Escarpment and after the Proposed Plan is approved that primary control should be given to local authorities.

RECOMMENDATION:

None.

REASONS:

This matter is dealt with in recommendations, comments and reasons in the general section of this report.



AGENT: Charles Cecile

GROUP: Kitchener-Waterloo Field Naturalists

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SUMMARY OF SUBMISSION:

The Conservation Chairman of the submitting organization expressed his own and members' views in support of the Proposed Plan. He stated his belief that the Development Criteria are fair and reasonable regarding permitted uses. The Niagara Escarpment Commission should continue to implement the Plan, or in the alternative some other Government body if implementation is to be consistent throughout the Niagara Escarpment Planning Area. He is opposed to the implementing body being the local municipalities as varying interpretations would result. His association is in agreement with the Escarpment Parks and Acquisition Policy. Owners of Escarpment Natural Areas should be given tax concessions to compensate for reduced land use options and as payment for formal conservation easements and informal understandings. Tree cutting should be prohibited in Escarpment Natural Areas except where justified.

RECOMMENDATION:

None.

REASONS:

This submission was generally in support of the Proposed Plan and also covered some alleged deficiencies in the Plan. We have attempted to answer many of the problems set out in this submission in our recommendations, comments and reasons in the general section of this report.

FILE NO. G 200-27

SUBMISSION NO. 17

AGENT: Ernest Redelmeier

GROUP: Richmond Hill Naturalists Club

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SUMMARY OF SUBMISSION:

This brief endorses the Proposed Plan but points out that the Club is concerned about the "slow-down" of the land acquisition program.

RECOMMENDATION:

None.

REASONS:

This submission was generally in support of the Proposed Plan.

FILE NO. G 200-44

SUBMISSION NO. 18

AGENT: Roman Bandi

GROUP: Lord Elgin High School (Students)

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SUMMARY OF SUBMISSION:

This brief is in support of the Proposed Plan but the students would like to see the following emphasized:

1. Clear support of the Bruce Trail.
2. Ban of motorized vehicles on the Bruce Trail.
3. Funds to be made available as soon as possible for the suggested land acquisition.

RECOMMENDATION:

None.

REASONS:

This submission was generally in support of the Proposed Plan. We have attempted to answer these problems in our recommendations, comments and reasons in the general section of this report.

OWNER: Mrs. Janet M. Watkins

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SUMMARY OF SUBMISSION:

Mrs. Watkins spoke as a whole-hearted supporter of the Proposed Plan and listed four headings:

1. Homeowner - concern for market value of home in Niagara Escarpment.
2. Mother - wants the Niagara Escarpment preserved for her children.
3. High School Teacher - concerned about the welfare of young people.
4. Archivist of the Bruce Trail - concerned about the future of the Bruce Trail.

RECOMMENDATION:

None.

REASONS:

This submission was generally in support of the Proposed Plan.

FILE NO. G 200-53

SUBMISSION NO. 20

OWNER: Douglas Cooper

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SUMMARY OF SUBMISSION:

This was an oral submission which emphasized the need to preserve the Escarpment.

RECOMMENDATION:

None.

REASONS:

Simply in general support.

AGENT: Al Stacey, President

GROUP: Bruce Trail Association

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SUMMARY OF SUBMISSION:

This brief states that this Association is opposed to expropriation for purposes of the Bruce Trail. Wants negotiation for the trail route to remain the primary responsibility of the Association in co-operation with willing landowners. The Association agrees with Bruce Trail portions of the Proposed Plan.

EXHIBITS:

- 43. 1. Grey-Bruce Map (Blue Water Country) 1976  
2. Grey-Bruce Map, 1961
- 44. Bruce Trail Association  
Submission - May, 1978
- 45. Bruce Trail Association  
A Handbook for Group Hiking on the Bruce Trail, June 1980
- 46. Bruce Trail Guide Book, 11th Edition, 1978

RECOMMENDATION:

None.

REASONS:

The subject matter of this submission has been dealt with elsewhere in this report.



SUBMISSION NO. G 200-70

SUBMISSION NO. 22

AGENT: Leslie Laking, Secretary of the Board

GROUP: Royal Botanical Gardens

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SUMMARY OF SUBMISSION:

Dr. Laking's brief on behalf of the Board and staff of the Royal Botanical Gardens supports the philosophy of the Proposed Plan.

1. Endorses the concept of acquiring lands when available - in this connection reinstate the 75% subsidy and extend Section 3.6 to qualified agencies.
2. Portion not now under the Niagara Escarpment Commission such as the Parkway Belt be transferred to the Niagara Escarpment Commission.
3. More public education of the Niagara Escarpment features.
4. Single family homes under Section 2.3 relate only to farm use or very large estate type development.

RECOMMENDATION:

None.

REASONS:

This submission was generally in support of the Proposed Plan.

OWNER: Mrs. Charlene Butler

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SUMMARY OF SUBMISSION:

Mrs. Butler is the owner of a 118 acre beef farm in Mono Township, County of Dufferin, and although the Proposed Plan no longer embraces her property she is concerned that in the future her land could again be included without prior notice. The Niagara Escarpment Commission's functions should be transferred to the local municipalities. Any land required for parks, trails, etc. should be purchased. The Commission did not do sufficient research regarding farms she alleges and relied on Provincial Ministry information.

RECOMMENDATION:

None.

REASONS:

Submission is much too negative to comment upon and to make any recommendation on it.

FILE NO. G 200-11

SUBMISSION NO. 24

AGENT: Graham P. Harris, Vice President

GROUP: Clear Hamilton of Pollution

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SUMMARY OF SUBMISSION:

This brief is in support of the Proposed Plan.

RECOMMENDATION:

- None.

REASONS:

This submission indicates general support for the Proposed Plan as written and requires no further comment.

AGENT: Dr. Steven Drotos, Planning Director

GROUP: Township of Flamborough

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SUMMARY OF SUBMISSION:

The brief from the Township of Flamborough was presented by its Planning Director, Dr. Steven Drotos, and is generally in support of the Proposed Plan subject to certain amendments contained in a resolution of council paraphrased as follows:

1. That Section 2.6.2 of the Proposed Plan, Urban Group Two, include only those areas of the former Village of Waterdown which merit designation as heritage district under the *Ontario Heritage Act* and not the whole village as presently proposed.
2. That Section 2.9.3 relating to Lot Creation be amended to allow creation of new lots compatible with requirements of regional and local official plans and the reference to the Agricultural Code of Practice be deleted.
3. That Section 2.9.7 of the Proposed Plan, Agriculture, the restrictions be limited only to Classes 1 and 2 lands which would be in conformity then with the Regional Official Plan.
4. That Section 4.1.3, Development Control, be amended to permit all applications for development permits to be considered in accordance with the policies of municipal official plans, zoning by-laws and expressed decisions of council from time-to-time.

RECOMMENDATION:

None.

REASONS:

These matters are dealt with in the recommendations, comments and reasons in the general section of this report.

AGENTS: Kathryn Whaley, Kelly Anderson, Hillary Willoughby,  
and Antoinette Chambers

GROUP: Milton High School (Students)

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SUMMARY OF SUBMISSION:

This submission was made orally by the above four students and they made the following main points:

1. Proposed Plan is good and is necessary to preserve this part of Ontario.
2. Process of producing the Proposed Plan should be speeded up so that development can be controlled in a more efficient way.
3. Detrimental to the Proposed Plan to provide for forceful taking of such lands as required for the Bruce Trail.
4. Would like to see a green belt to protect open spaces from development.
5. Doesn't like to see Plan given to municipalities to administer.
6. Generally supportive of the Proposed Plan.

RECOMMENDATION:

None.

REASONS:

This submission was generally in support of the Proposed Plan and also covered some alleged deficiencies in the Plan. We have attempted to answer these problems in our recommendations, comments and reasons in the general section of this report.



OWNER: Harry Zohoruk

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SUMMARY OF SUBMISSION:

Mr. Zohoruk takes a very strong view against the whole principle of the Proposed Plan and feels that people's rights are being taken away without compensation. He feels there should be some middle road and that small areas might be protected and not miles as proposed. The matter of land severances is one point which he finds "shocking". He feels the section on agriculture should be expanded. He views the development of estate sized subdivisions as a compatible use for the Escarpment and cited Mount Nemo. It is also his opinion that a great deal of money could be saved if the Niagara Escarpment Commission was dispensed with. He is also of the opinion that his land has been greatly devalued.

RECOMMENDATION:

None.

REASONS:

This submission is of a general nature and recourse should be had to the recommendations, comments and reasons in the general section of this report.

AGENT: Mrs. Elsie Murphy

GROUP: Slow Poke Hikers, Iroquoia Section

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SUMMARY OF SUBMISSION:

This submission was in support of the Bruce Trail sections of the Proposed Plan and made the following main points:

1. That consideration be given to making the Bruce Trail lands free of municipal taxation.
2. That lands for the Bruce Trail not be expropriated but only be acquired from willing landowners.
3. That hikers on the Bruce Trail be required to be members of the Bruce Trail Association.

RECOMMENDATION:

None.

REASONS:

This submission indicates general support for the Proposed Plan and requires no further comment.

AGENT: Dr. Gerald Killan, Vice President  
Preservation Committee

GROUP: Ontario Historical Society

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SUMMARY OF SUBMISSION:

This organization gives its unqualified support to the proposed development control for heritage resources. There are certain areas of the Proposed Plan, however, which they felt should be strengthened. The first of these was Section 2.5 which should contain more stringent criteria for all Minor Urban Areas. In Section 2.9.2, clause 2, they support the concept of conservation easements. In Section 2.10.2 the society feels that land use zoning is not a desirable option.

In Section 3.2.3 it is proposed to add a classification known as Historical Parks. The Society feel that Sections 4.1.1. and 4.1.2 need to set out clearly who will carry out this function and the need for Provincial guidelines.

The final point dealt with the fact that the present Commission membership contains no one with historical expertise.

RECOMMENDATION:

None.

REASONS:

This submission was generally in support of the Proposed Plan and also covered some alleged deficiencies in the Plan. We have attempted to answer these problems in our recommendations, comments and reasons in the general section of this report.

AGENT: E.C. Wagg, Deputy Clerk and  
E.G. Bergenstein, Mayor

GROUP: Town of Pelham

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SUMMARY OF SUBMISSION:

This submission made the following main points:

1. Wants Provincial grants to assist in the costs of bringing local official plans and zoning by-laws into conformity with the Niagara Escarpment Plan made mandatory.
2. Does not want development control to continue.
3. Wants implementation of the Plan to be entrusted to an existing competent agency such as the Niagara Regional Planning Department.

RECOMMENDATION:

None.

REASONS:

Request No. 1 pertains to a change in the *Niagara Escarpment Planning and Development Act* with which we have no jurisdiction.

Request No. 2 and No. 3. These matters are dealt with in recommendations, comments and reasons in the general section of this report.

AGENT: Frank D. Reiss, Town Planner

GROUP: Town of Lincoln

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SUMMARY OF SUBMISSION:

This submission made the following points:

1. Not opposed to the policies and permitted uses proposed for the Escarpment Natural Areas.
2. In Escarpment Protection Areas, wants to see clarification as to whether farm retirement lots are permitted and wants policies to be expanded to include policies for estate residential development.
3. In Escarpment Rural Areas wants a more specific definition of small scale commercial development.
4. In Mineral Resource Areas that new licences of any kind not be permitted without consultation with the local municipality.
5. That a definitive list of criteria be established for the creation of rural estate lots.
6. That the Food Land Guidelines not be used as guidelines for the creation of new lots.
7. That more detailed criteria be established to determine qualifications for heritage buildings (Section 2.9.8).
8. That the Regional Municipality of Niagara be the implementing authority.

EXHIBITS:

47. Town of Lincoln  
Certified copy of Planning Committee Minutes adopted

January 14, 1980.

48. Town of Lincoln

Certified copy of Planning Committee Minutes adopted  
April 2, 1980.

49. Town of Lincoln Official Plan

Certified copy of the Official Plan adopted by Council  
of the Corporation of the Town of Lincoln, December 6,  
1973 - approved by the Ministry of Housing with  
modifications on April 24, 1978.

RECOMMENDATIONS:

None.

REASONS:

This submission was generally in support of the Proposed Plan and also covered some alleged deficiencies in the Plan. We have attempted to answer many of the problems set out in this submission in our recommendations, comments and reasons in the general section of this report.

OWNER: Ms. Valanne Glooschenko

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SUMMARY OF SUBMISSION:

Ms. Glooschenko is a biologist by training and her concern is for groundwater and leachate. Another point raised by this witness was that the Bruce Trail should be linked. In view of her concern for water quality it is her opinion that any area with shallow overburden should have limited development.

RECOMMENDATION:

None.

REASONS:

The concerns expressed in this submission deal primarily with matters which will require study on a site specific basis and therefore no comment is necessary in this report.



OWNER: Donald Sinclair

LAND: Lots 12 and 13, Concession 1 E.H.S.  
Mono Township

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SUMMARY OF SUBMISSION:

Mr. Sinclair in his brief among other things dealt with methods and techniques of compensation for land in many jurisdictions. It seemed to be his conclusion that development rights in some areas of the Hockley Valley could be acquired and in the Niagara Region development rights could be transferred.

RECOMMENDATION:

None.

REASONS:

We are of the opinion that the matters raised in this submission do not fall within our jurisdiction.

AGENT: B.W. Vanderbrug, General Manager

GROUP: Hamilton Region Conservation Authority

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SUMMARY OF SUBMISSION:

At the outset Mr. Vanderbrug pointed out that the Authority was in general support of the Proposed Plan but urged that the Plan be amended to reflect the recommendations made in the brief. These were as follows:

1. That Section 2.2, Permitted Uses, be modified by deleting Item 7, Essential Transportation and Utility Facilities.
2. Section 2.3, Item 8 be modified to read as follows:  
"Essential transportation and utility facilities subject to Section 2.9.10 Transportation and Utilities".
3. That the maps representing the land use designation be modified to more accurately reflect the different categories referred to in Section 2.6, and further that Section 2.6.2 (A) be expanded to clearly define the basic and overall intent of the Direct Provincial Interest designation.
4. That Section 2.7 be modified as follows:
  - (a) That the following item be added to  
Objectives: recognize areas where intensive recreational and associated development has been undertaken on lands owned by Conservation Authorities.
  - (b) That the Criteria for Designation be expanded with the addition of the following criteria:  
intensive recreation conservation areas as per Section 3.2.3. Parks Classification.

- (c) That the following item be added to Permitted Uses: in Conservation Areas specified as intensive recreation areas, uses in conformity with Section 3.2.3 Intensive Recreation Parks.
5. That Section 2.8 be modified to reflect the lack of provision in Bill 127 to protect the Niagara Escarpment.
  6. That Section 4.1.5 be modified to reflect the necessity of evaluating the environmental advantages and disadvantages before a shift is made from the Niagara Escarpment to other aggregate resource areas.
  7. That Section 2.9 be expanded, particularly as it relates to minimum building setback and building height guidelines, and further, that wherever possible, these restrictions be registered on title.

NOTE: This recommendation also applies to Section 2.9.7 New Development Adjacent to Ravines, Items 1 and 2, and Section 2.9.3 Lot Creation.

8. That Section 2.9.1 be modified by deleting Item 4, and further, that Section 2.9.1, Items 2 and 3 be modified to read as follows:  
Item 2 - An existing use, building or structure may expand, change in use, or be rebuilt in the same location when it can be sufficiently demonstrated that the objectives of the applicable designation of the Niagara Escarpment Plan are met.  
Item 3 - Where an existing use or the rebuilding of a building or structure in its original location will cause a substantial ecological or visual impact, the property owner shall be encouraged to bring the use into closer conformity with the objectives of the applicable designation of the Niagara Escarpment Plan.

9. That Section 2.9.2, Item 2, second paragraph, be modified to read as follows:  
Development on the lot would otherwise meet relevant municipal, health and servicing requirements in effect on the date this Plan is approved, and is not considered to be hazardous to life or property due to unstable soil conditions or possible flooding.  
That Section 2.9.2, Item 2, be expanded to exempt Conservation Authorities from the proposed responsibilities of the Government of Ontario unless the action is in conformity with existing long range Conservation Authority acquisition and development plans.
10. That Section 2.9.3 and other pertinent sections be reworded to indicate that all new developments are to be compatible with the Agricultural Code of Practice.
11. That the Objective of Section 2.9.4 be changed to read as follows:  
the objective is to ensure that new developments adjacent to streams, lakes and wetlands will not have a deleterious effect on the control of flooding, water quality and/or the conservation of land.
12. That the wording of paragraph one (b), Item 2, Section 2.9.4, be changed as follows:  
No sewage system shall be allowed within the Regional floodplain of a watercourse or below the crest of a ravine without permission of the Conservation Authority having jurisdiction or the Ministry of Natural Resources.
13. That the wording of paragraph three, Floodplains, Section 2.9.4 be changed to read as follows:  
No buildings or structure or placement of fill shall

be permitted in floodplains except where said developments have been approved by the Municipal Council, the Conservation Authority, and the Ministry of Natural Resources in accordance with established floodplain management and development criteria. Where the floodplain of any watershed has not been calculated, the agency having jurisdiction may require that calculations be made by the proponent in accordance with existing Ministry of Natural Resources floodplain development guidelines.

No straightening, changing, diverting or interfering in any way with the existing channel of a river, creek, stream or watercourse shall be permitted without permission of the Conservation Authority having jurisdiction or the Ministry of Natural Resources.

14. That the Niagara Escarpment Commission, together with the Ministry of Natural Resources, review and if need be, update the guidelines referred to under Section 2.9.9, Item 2, forest management guidelines, and further, that Section 2.9.9, Forest Management, Item 3, be deleted, and further, that a new Item 1 (f) be added to the section to read as follows:

Where a public authority cuts trees in accordance with the provisions outlined in Item 2, Section 2.9.9.

15. That Section 2.10.3 be expanded to provide more details on the requirements and step-by-step process to be followed in obtaining an amendment to the Plan.
16. That the rationale for Conservation Authorities' involvement in satisfying the recreational needs of the Niagara Escarpment be elaborated upon in order to substantiate the proposed role of Conservation Authorities.

NOTE: This recommendation also applied to the acquisition



of the Bruce Trail (Item 4, Section 4.2.1).

17. That guideline 1 of Section 3.2.4 be modified to indicate that established Conservation Area Master Plan requirements of the Ministry of Natural Resources (Conservation Authorities and Water Management Branch) apply, and further, that guideline 2, Section 3.2.4 be reworded, taking into account the recommendation made under Section 2.7 (Recommendation 4); and further, that all master and management plans prepared for conservation area lands within the Escarpment Parks system will be made to have regard to the parks classification under Section 3 of the Plan, and further; that all master planning and park zoning through the accepted master planning process take precedence over land use policies designations; and further, that additions be made to guideline 3, Section 3.2.4 in order to provide for the use of mechanized trail vehicles for trail development as well as maintenance or emergencies and that tree cutting should be permitted for both wildlife management, trail development and forest management purposes; and further, that guideline 4 (d), Section 3.2.4 be deleted.

18. That Section 3.3 be amended to clearly reflect where the Bruce Trail crosses Conservation Authority land, that the trail be managed by the affected Conservation Authority in consultation with the Bruce Trail Association unless otherwise agreed upon.

NOTE: This recommendation also applies to  
Section 3.2.4, guideline 5; Section 4.2.1  
and Section 4.2.2. paragraph (b).

19. That Section 3.4, Future Acquisition, be modified to overcome several shortcomings of the proposed acquisition program. The revisions should address the following

concerns:

- (a) The need to include in any acquisition program Niagara Escarpment lands in close proximity to urban areas.
  - (b) The need to recognize established long range Conservation Authorities' acquisition programs along the Niagara Escarpment.
  - (c) The need to provide for an equitable distribution of funding for escarpment acquisitions throughout the entire planning area.
  - (d) That all lands recommended for acquisition be placed in a single category and that the Ministry of Natural Resources be responsible for approving funding applications in order to ensure conformity with the objectives of the *Niagara Escarpment Planning and Development Act* and to facilitate quick response to opportunities to acquire important Niagara Escarpment properties.
20. That the Plan provide for a clear description of the role Conservation Authorities are to play in the implementation of the Niagara Escarpment Plan and more specifically, that the following recommendations be made in the Plan:
- (a) That the proposed role of Conservation Authorities in the acquisition and management of the Niagara Escarpment properties be substantiated and that the Provincial Government permit those Conservation Authorities along the Niagara Escarpment to expand their open space and recreation functions.
  - (b) That all Niagara Escarpment properties presently designated in long range Conservation Authority acquisition programs be included in the proposed Niagara Escarpment Acquisition Plan.



- (c) That all proposed acquisition be placed in one single acquisition category.
- (d) That a 75% subsidy be made available to Conservation Authorities to acquire properties within the revised Niagara Escarpment acquisition plan.
- (e) That the Plan provide for a 75% subsidy on net maintenance expenses (revenue minus maintenance costs).
- (f) That, if required, the existing Master Plan guidelines for Niagara Escarpment conservation areas be updated to accurately reflect the goal and objectives of the *Niagara Escarpment Planning and Development Act* and that these updated guidelines be used by Conservation Authorities in the preparation of development plans.

EXHIBIT:

- 50. Niagara Escarpment Acquisition Proposals
  - Acquisition proposed by Niagara Escarpment Commission
  - . Ministry of Natural Resources
  - . Conservation Areas
  - . Ministry of Natural Resources holdings
  - . Existing Conservation Areas

RECOMMENDATION:

None.

REASONS:

We have given careful consideration to all of the above recommendations and we have attempted to answer, elsewhere in this report, those points which on the overall evidence adduced at the hearing merit consideration. Several of the recommendations contained in this submission are beyond our jurisdiction to deal with.

OWNER: John V. Lefebure

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SUMMARY OF SUBMISSION:

This owner does not support development control for the regulation of land and prefers the use of zoning by-laws. He is not in favour of the Niagara Escarpment Commission, its method of functioning, its reason for being, or its continued existence. All by-laws which were suspended pending disposition of the Proposed Plan should be speedily re-instated.

RECOMMENDATION:

None.

REASONS:

Submission is much too negative to comment upon and to make any recommendation on it.

AGENT: William Warwick, Director of Conservation Services

GROUP: Halton Region Conservation Authority

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SUMMARY OF SUBMISSION:

This submission made the following recommendations:

1. Escarpment Natural Areas

Section 2.2

Criteria 3

That the Escarpment Natural Areas include, in addition to Provincially significant nature areas, lands which are deemed to be Regionally significant natural areas.

2. Escarpment Protection Areas

Section 2.3

Permitted Uses (2)

That the Permitted Use of single family dwellings in Escarpment Protection Areas be conditional upon such dwellings being compatible with the objectives of the designation.

3. Escarpment Rural Areas

Section 2.4

New Lots (1)

That the creation of new lots be made conditional upon their compatibility with surrounding land uses, and their compliance with municipal and Ministry of Environment requirements for lot size and development suitability.

4. Escarpment Recreation Areas

Section 2.7

There is a need to clarify the differences or similarities between Escarpment Recreation Areas and those areas designated as "Parks" under Section 3.2, "the Niagara Escarpment Parks

System".

5. Mineral Resource Areas

Section 2.8

Rehabilitation

That pit and quarry operators be encouraged to provide for public after-use where feasible of rehabilitated areas, and that the Ministry of Natural Resources, Conservation Authorities and municipalities be encouraged to accept rehabilitated pits for public use.

6. Development on Existing Lots

Section 2.9.2

Policy 1 (d) and Policy 2

That Policy 1 (d) and Policy 2, paragraph 2, be amended to include compliance with applicable Provincial regulations.

7. Development Adjacent to Streams, Lakes and Wetlands

Section 2.9.4

That all private sewage disposal systems be located where naturally existing soil, water table and bedrock conditions are such that surface and groundwater resources will not be adversely affected.

8. New Development Adjacent to Ravines

Section 2.9.5

That consideration be given to permitting the Conservation Authorities to establish acceptable setbacks for development adjacent to ravines rather than "the implementing body".

9. Recreation

Section 2.9.11

That the reference to the Parks Canada Trail Manual as the only accepted guide to trail planning be deleted from the Plan, or softened to a recommendation rather than a

requirement.

10. That the priorities for park acquisition be re-examined and further that consideration be given to grouping all lands proposed for acquisition into one single category, with acquisitions co-ordinated by the Ministry of Natural Resources on the basis of availability, and funding limitations.
11. That the Escarpment Plan be strengthened through the addition of a policy recognizing the Master Planning Process presently carried out by the Conservation Authorities for the Ministry of Natural Resources providing that the development proposed meets with the spirit and intent of the designation, given the lands and the park classification system.
12. That Provincial assistance be provided to the Conservation Authorities for the implementation of the monitoring and environmental impact evaluations required for natural areas.
13. That the Province of Ontario continue to take an active role with respect to monitoring land uses throughout the Escarpment and specifically development control over all development proposed within the Escarpment Natural Areas and Mineral Resource Areas.
14. That recommendation (a) under Policy 4.4.1 be changed to a more positive statement clearly recognizing the Conservation Authorities as prime agencies in providing recreational opportunities consistent with the parks classification in Section 3.2.3.
15. That the concept of a Provincially oriented park system be strengthened by the inclusion of a recommendation in the Niagara Escarpment Plan that a 50% grant be provided to the body administering the parks for maintenance purposes.

16. That the onus for maintaining good quality environmental practices in forest management be left with the Ministry of Natural Resources and Conservation Authorities.
17. That the Mineral Aggregate Protection Areas of the Halton Region Official Plan be overlayed on the Rural Escarpment Areas, and policies incorporated into the text of the Escarpment Plan which will ensure that these areas are not precluded from future aggregate production.

RECOMMENDATION:

None.

REASONS:

This submission was generally in support of the Proposed Plan and also covered some alleged deficiencies in the Plan. We have attempted to answer many of the problems set out in this submission in our recommendations, comments and reasons in the general section of this report.

Many of the recommendations requested by this and other Conservation Authorities pertain more to the increase in powers delegated the Conservation Authorities under Provincial Statutes which were not the subject of these hearings and therefore beyond our jurisdiction.



AGENT: Stefan Bolliger

GROUP: Ontario Association of Landscape Architects

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SUMMARY OF SUBMISSION:

The Association in a lengthy brief indicated strong support for the Proposed Plan. This is best expressed in the brief's concluding recommendations which are as follows:

- 1. We recommend that the Niagara Escarpment Commission be maintained as the controlling body of the Niagara Escarpment Plan to implement this Plan to retain Ontario's most significant landform.  
  
We recommend further that along with the Niagara Escarpment Commission the three regional offices be retained and be attached to the Ministry of Natural Resources.
2. We recommend that the Commission revises the Proposed Plan for the Niagara Escarpment to include our recommendations if found to be acceptable.
3. We support the retention of the Gertler line to form a zone of influence. This zone should be registered on all official plans and zoning by-laws and should require applicants for development within this zone to submit their proposals to the Niagara Escarpment Commission for comments.
4. We recommend that a master plan be prepared to accompany the Proposed Plan. The area of the master plan should be the area of the conservation/preservation zone within which the Escarpment Park System will be the key element or spine of the overall master plan.
5. We propose that the Commission prepares or have prepared



by qualified firms a Design Criteria to include State of the Art criteria.

6. We further propose that site plans based on sound environmental analysis be submitted for all proposals which are located within the conservation/preservation zone boundary, with the purpose to assure that the intended uses will be physically compatible and is to keep the master plan updated at all times.

RECOMMENDATION:

None.

REASONS:

This submission was in general support of the Proposed Plan and the recommendations set out above in our opinion are much too onerous on landowners bearing in mind the restrictions already included in the Proposed Plan and therefore are not acceptable.

FILE NO. G 200-88

SUBMISSION NO. 38

AGENT: S. Kovacic and other students

GROUP: Aldershot High School

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SUMMARY OF SUBMISSION:

This submission by students in the Grade 11 Urban Studies Geography course was in support of the Proposed Plan but would like to see the Province's land acquisition grants to be 75%.

RECOMMENDATION:

None.

REASONS:

This submission indicates general support for the Proposed Plan and requires no further comment.

FILE NO. G 200-54

SUBMISSION NO. 39

OWNER: J. Douglas Howes

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SUMMARY OF SUBMISSION:

This submission consisted entirely of opposition to the Proposed Plan since Mr. Howes can see no need for such a Plan.

RECOMMENDATION:

None.

REASONS:

Submission is much too negative to comment upon and to make any recommendation on it.

FILE NO. G 200-74

SUBMISSION NO. 40

AGENT: Keith Thomson, M. Kramer and B. Wallace

GROUP: Ancaster Outers Klub

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SUMMARY OF SUBMISSION:

This oral submission was entirely in support of the Proposed Plan and particularly the preservation of the Bruce Trail.

RECOMMENDATION:

None.

REASONS:

This submission indicates general support for the Proposed Plan and requires no further comment.

OWNER: Mrs. Roy Summers

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SUMMARY OF SUBMISSION:

This oral submission expressed concern about the cost of the hearings and suggested that agriculture and recreation are not compatible. Mrs. Summers also expressed doubt that Ontario Hydro owns Lake Gibson as stated on page 45 of the Proposed Plan.

RECOMMENDATION:

The ownership of Lake Gibson should be reviewed before the Plan is finalized.

No other recommendation as far as the rest of the submission is concerned.

REASONS:

There appears to be some doubt as to the ownership of Lake Gibson.

The other matters are dealt with elsewhere in this report.

AGENT: Robert C. O'Dell

GROUP: Lookout Point Golf and Country Club Limited and  
Concerned Citizens for the Fonthill Kame Moraine

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SUMMARY OF SUBMISSION:

The concern of these two organizations revolves around the wording or inadequacy thereof of certain sections in the Proposed Plan dealing with the mineral extraction industry. They are generally in support of the Proposed Plan but would request certain amendments be made as follows:

That Section 2.8 Mineral Resource Areas, paragraph 2 under Objectives be amended by adding the words, "... only when all possible extraction locations have been substantially developed in the Escarpment Rural Areas will consideration be given to amendments in the Escarpment Protection Areas. Amendments to permit pits and quarries in the Escarpment Natural Area will not be permitted."

RECOMMENDATION:

None.

REASONS:

These matters are dealt with in recommendations, comments and reasons in the general section of this report.

OWNER: J.P. Charlebois

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SUMMARY OF SUBMISSION:

This submission made the following points and concerns:

1. Concerned that boundaries of the Proposed Plan not be reduced.
2. There should be a quota established for the number of new lots that can be created.
3. Section 4.1.2 should be amended so that implementation not be delegated.
4. The Niagara Escarpment Commission should remain in control of the Plan.

RECOMMENDATION:

None.

REASONS:

These matters are dealt with in recommendations, comments and reasons in the general section of this report.



OWNER: Warren Wiley

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SUMMARY OF SUBMISSION:

This submission was generally in support of the Proposed Plan but suggests the Plan should include compensation provisions for land acquisition and easements. It also suggests that changes in land use for recreation purposes be carefully considered for effects on adjoining landowners and that all changes in land use be subject to prior notification.

RECOMMENDATION:

None.

REASONS:

This submission was generally in support of the Proposed Plan and also covered some alleged deficiencies in the Plan. We have attempted to answer these problems in our recommendations, comments and reasons in the general section of this report.

AGENT: D.H. Matthews

OWNER: Clarence Hewitt

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SUMMARY OF SUBMISSION:

Mr. Matthews appeared as an agent for his father-in-law, Mr. Hewitt. His basic submission was that the overall Plan is excellent but that in the case of Mono Mills there should be more detailed planning. In the case of Section 2.5, paragraph 3 under Objectives, four of the minor urban centres are in the Escarpment Protection Area so the phrase Protection Area should be deleted. In the case of boundaries of Protection Areas he would like to see a phrase "which is in general conformity with the Niagara Escarpment Plan". He also feels that local plans will more clearly define the Protection Areas. He also indicated that the good judgement of the local planner should not be compromised by the Proposed Plan and in fact the historic rights and plans of local municipalities should not be overridden.

RECOMMENDATION:

None.

REASONS:

This submission was generally in support of the Proposed Plan and also covered some alleged deficiencies in the Plan. We have attempted to answer many of the problems set out in this submission in our recommendations, comments and reasons in the general section of this report.

FILE NO. G 200-34

SUBMISSION NO. 46

AGENT: Marion Beaton, Paula Rupert and Sandra Krisch (Students)  
and Dr. Paul Tamblyn (Teacher)

GROUP: Acton High School

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SUMMARY OF SUBMISSION:

This submission was primarily concerned with the Bruce Trail and supported the Proposed Plan.

RECOMMENDATION:

None.

REASONS:

This submission indicates general support of the Proposed Plan and requires no further comment.

AGENT: Warren Wiley

GROUP: Niagara Escarpment Interest Groups Advisory  
Committee

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SUMMARY OF SUBMISSION:

This submission made the following recommendations:

1. That if any Federally owned lands or land under Federal jurisdiction which includes the Escarpment or land in its vicinity (e.g. Meaford Tank Range), is returned to Provincial jurisdiction, such lands be included within the Niagara Escarpment Plan at an appropriate time.
2. That if the Tobermory Islands are acquired by the Federal Government they should be subject to Provincial planning jurisdiction under the Niagara Escarpment Plan.
3. Re Sections 2.2, 2.3 and 2.4  
That recreation uses in public parks include within their boundaries a buffer strip to protect adjoining private property.
4. Re Section 2.2 Escarpment Natural Areas  
That Objective No. 2 be amended by adding the word 'passive' to read: To permit compatible passive recreation and conservation activities. That permitted uses 4 under this part be amended to read: Passive recreation relating to trail activities, nature viewing and public parks. Passive recreation in this instance shall not include snowmobiling, trail biking, or other motorized vehicles.
5. Re Section 2.3 and Section 2.4

That under the respective "New Lots" policies, subsection 2 of Section 2.3 (Escarpment Protection) and Section 2.4 (Escarpment Rural) before the sentence beginning ..... "The creation of a lot by a public body ....." the following be inserted:

In consideration of any severances in this instance, attention must be paid to Section 2.9.7 Agriculture which states:

Municipal official plans are expected to apply the Food Land Guidelines (1978) of the Ministry of Agriculture and Food. Therefore on Classes 1 - 4 agricultural lands as identified by a municipality in its official plan or by-laws, the lot creation policies of Escarpment Rural and Escarpment Protection Areas are replaced by lot creation policies of the Food Land Guidelines.

6. That throughout the Plan wherever the phrase "subject to Section 2.9 Development Criteria" occurs, this phrase be so illustrated as to draw attention and be noticeable.

7. Re Section 2.4 Escarpment Rural

That a further objective be added to read as follows:  
"4. To permit compatible aggregate extraction."

8. Section 2.8 Mineral Resource Areas

(a) That the Niagara Escarpment Commission show its recognition of mineral aggregates as an important Provincial resource, by indicating in the Proposed Plan, high quality mineral resource areas;  
and

(b) That in Section 2.8, Mineral Extraction, under new licences, No. 2 be modified to read: "New licensed areas producing more than 20,000 tonnes

annually, may be permitted in Escarpment Rural areas subject only to a development permit and licence from the Ministry of Natural Resources and subject to the *Pits and Quarries Control Act*, 1971 as amended or its successor."

9. Re Section 2.9.2 Development on Existing Lots  
That appropriate measures be taken by the government so that the system works efficiently.
10. Re Section 2.9.3 Lot Creation  
That a further policy be added to read:  
"9. The creation of new lots should avoid sterilizing land for the extraction of high quality mineral resources."
11. Re Section 2.9.4 New Development Adjacent to Streams, Lakes and Wetlands  
That the phrase "whichever agency has jurisdiction" be inserted after "Ministry of Natural Resources" to read:  
"3. No building or structure shall be permitted in identified floodplains except where the building or structure has been approved by the municipal council, the Conservation Authority, or the Ministry of Natural Resources, whichever agency has jurisdiction, in accordance with established floodplain management and development criteria."
12. Re Section 2.9.7 Agriculture  
That Part 1 of Section 2.9.7 be amended to read:  
"1. Municipal official plans shall apply the Ontario Food Land Guidelines (1978) of the Ministry of Agriculture and Food."
13. Re Section 2.10.3 Amendment to the Niagara Escarpment Plan  
That the Plan amendment procedure be greatly simplified and the *Niagara Escarpment Planning and Development Act* be changed appropriately.



14. Re Section 3.4 Future Acquisition

That any land purchased by the Government for the Niagara Escarpment Park System should continue to be subject to the same municipal tax assessment and taxation as land in private ownership.

15. Re Section 3.6 Methods of Land Acquisition

That the Government actively encourage the donations of land for purposes of implementing the goal and objectives of the Plan, and that Section 3.6 should have another subsection added, stating:

"9. Deferred Payment Plan - consideration should be given to a method such as debenturing for land acquisition for the Parks System."

16. Re Section 4.1 Administration and Implementation of the Plan

(a) That if the Niagara Escarpment Commission is dissolved, the implementing body referred to in the Proposed Plan be an appointed Government agency adequately staffed, and responsible to the Provincial Secretary for Resources Development. Its function should be to review, coordinate and monitor the municipalities, Provincial Ministries and agencies in their implementation of the Niagara Escarpment Plan.

This agency would also implement the land acquisition policies of this Plan. The members appointed to this agency should be committed to the implementation of the purpose and objectives of the *Niagara Escarpment Planning and Development Act*, as, incorporated in the Niagara Escarpment Plan.

(b) Administration of development control should be done at the Regional Municipality or County level subject to monitoring by a Provincial agency. This agency could be the Commission or a replacement of the Commission. The duties of the agency should include the monitoring of decisions made on development



proposals, subdivisions, consents to sever land, road building, etc.

- (c) The new agency should monitor the activities and decisions of the Government and Conservation Authorities within the Proposed Parks System.

17. Re Section 4.1.7 Development Control - Notification of Decision

That the *Niagara Escarpment Planning and Development Act* be amended to require that assessed owners of lands within 400 feet (122 metres) be notified before decisions are made on development permit applications.

18. Re Section 4.2.2 Recommendations on the Bruce Trail

- (a) That a statement be included in subsection (a) to the effect that a landowner has the right to refuse access to his property.
- (b) That a statement be added to subsection (c) to read:  
"..... and that the Government consider the payment of compensation to landowners whose property may be damaged."

19. Re Section 6.1 Definitions

That trail activities should not include snowmobiling or trail biking except where specifically allowed in the Proposed Plan.

RECOMMENDATION:

None.

REASONS:

This submission was generally in support of the Proposed Plan and also covered some alleged deficiencies in the Plan. We have attempted to answer many of the problems set out in this submission in our recommendations, comments and reasons in the general section of this report. Many of the recommendations contained above include matters in which the hearing officers have no jurisdiction, e.g.

Submission No. 47 continued

recommendations of legislative changes both Provincially and Federally.

AGENT: Mel Swart

GROUP: New Democratic Party (Ontario)

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SUMMARY OF SUBMISSION:

Mr. Swart pointed out that the New Democratic Party fully supports the purpose of the *Niagara Escarpment Planning and Development Act*, however, he felt that the Proposed Plan falls far short of meeting the objectives. He dealt with the Plan under five main headings:

## 1. Development of Existing Lots:

Wants the provision for automatic approval deleted where the Government does not purchase the land. Feels that the creation of further lots has to be slowed.

## 2. Creation of New Lots:

Doesn't want automatic approval if the criteria is met and should be removed from the Plan. Creation of new Minor Urban Centres should require a Plan amendment.

## 3. Mineral Resource Areas:

Would like licences modified and/or site plans where large areas of unextracted minerals remain. Doesn't want any licences approved without an amendment to the Plan including wayside pits.

## 4. Plan Implementation:

Feels it is imperative that an ongoing Niagara Escarpment Commission oversee the implementation and functioning of the Plan throughout the entire length of the Escarpment.

## 5. Hearing Process:

Here Mr. Swart raised matters which are beyond the

jurisdiction of this panel.

6. Mr. Swart proposes that when the Proposed Plan is approved and incorporated into local official plans that the areas covered be removed from development control.

RECOMMENDATION:

None.

REASONS:

This submission was generally in support of the Proposed Plan and also covered some alleged deficiencies in the Plan. We have attempted to answer many of the problems set out in this submission in our recommendations, comments and reasons in the general section of this report.

AGENTS: Mrs. Eluned J. MacMillan and Joseph Curtin

GROUP: Coalition on the Niagara Escarpment (C.O.N.E.)

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SUMMARY OF SUBMISSION:

This submission was presented in two parts, the first portion presented by Mrs. MacMillan and the second by Mr. Curtin. It should also be noted that the group consists of nine separate organizations which are listed below:

1. The Federation of Ontario Naturalists
2. The Sierra Club of Ontario
3. The Foundation for Aggregate Studies
4. The Canadian Environmental Law Association
5. Pollution Probe
6. The Canadian Nature Federation
7. The Federation of Ontario Hiking Trails Association
8. The Soil Conservation Society of America (Ontario Chapter)
9. The National and Provincial Parks Association of Canada  
(Ontario Chapter)

Mrs. MacMillan in her presentation dealt with the objectives of the organization and gave background information as to its formation. She also cited certain Provincial Government statements and feels that the Proposed Plan endeavours to carry these out. It is quite evident that C.O.N.E. does not agree with all parts of the Plan but "there is much with which we concur".

Mr. Curtin presented a lengthy and carefully prepared brief which he summarized in his verbal evidence. Many portions of the brief dealt with recommendations to amend various Acts of the legislature.

Certainly one of the strong recommendations made was that

development control remain with the Niagara Escarpment Commission who may in turn delegate certain matters to municipalities. In the matter of mineral extraction, they recommend that no further extraction be permitted in Escarpment Natural or Escarpment Protection Areas and that wayside pits be permitted only in Escarpment Rural Areas. The Coalition also feels that the past record of approving applications is bad and should be greatly improved. Several suggestions were made to amend the text under the headings listed in Section 2. It is quite apparent that C.O.N.E. feels that the lack of funds for acquisition of land will do great harm. It also feels that Conservation Authorities are either not able or willing to carry out their function with respect to parks. The group also appeared to be opposed to the proposed role of the Ministry of Natural Resources.

In addition to these two witnesses, Dr. Donald Britten gave a paper on the many fern species which are to be found on the Niagara Escarpment.

It can also be safely concluded that C.O.N.E. is opposed to the idea of expropriating people's lands and on this point agree with the Bruce Trail Association. It also seems to feel that the words in the Proposed Plan which are permissive should be changed to mandatory and remove a lot of the flexibility of the Plan.

This submission is further summarized as follows:

## 2.2 Escarpment Natural Areas

Concur subject to change as follows:

In Point 2 under Objectives insert the word "passive" before the word "recreation".

Add a Point 3, under Objectives:

"3. To set aside candidate areas for this purpose.

Under Permitted Uses strike out entirely Point 3.

Under Permitted Uses, Point 4, adding the words: "...but not motorized trail activities excepting emergency and enforcement vehicles.

Point 5 Add "...compatible with the objectives of the *Niagara Escarpment Planning and Development Act.*"



### 2.3 Escarpment Protection Areas

Concur subject to the following change: Under Existing Lots strike out word "generally". Strike out Point 9 renumbering to adjust.

### 2.4 Escarpment Rural Areas

Concur subject to following changes: Under Permitted Uses, Point 8, strike out the words "aggregate extraction, including ..."

Add "subject to a tonnage and acreage limit."

Under Existing Lots strike out the word "generally".

Under New Lots that Point 3 be stricken out and replaced with the words: "Also, new lots may be created by low gross density-high net density Packaged Unit Development plans of subdivisions. These may be subject to *The Condominium Act* or other compatible forms of land division."

Add a Point 4: The Ontario Food Land Guidelines shall apply to all lands in this category in conjunction with the criteria set out above.

### 2.5 Minor Urban Centres

Concur subject to following changes:

The word "shall" to replace the word "should" throughout.

Under Growth Objectives, Point 2, strike out the words, "Where appropriate ..."

Point No. 4, strike out the word "generally". Replace the word "preferred" with the word "required".

Add a Point 7:

"7. The objectives set out for Heritage under (2.9.8) of the Plan shall be applied."

Change last paragraph of Criteria for Designation by striking out the words "...do not..." and replacing them with the word "...shall...".



2.6.1 Urban Group One

Concur subject to the following changes.

Add after the words "Applicable to ..." the words "...areas so designated under the Plan within:"

Under Permitted Uses and New Lots strike out the words "where applicable..."

Strike out the word "as..." replacing with the words "Which shall be..."

Under Growth Objectives change the word "should" to the word "shall" throughout.

2.6.2 Urban Group Two

Concur subject to changes as follows:

Part "A", strike out title and change to "Urban Escarpment Areas".

Part "B", Outer Areas, change wording to conform to the above by striking out the words "Areas of Direct Provincial Interest" replacing them with the words "Urban Escarpment Areas".

Under Growth Objectives change word "should" to "shall" throughout.

2.7 Escarpment Recreation Areas

Concur subject to the following changes:

Strike out Point 3 under Objectives.

Change Point 4 by striking out after the words "...recreation areas..." and replacing the words "official plans and secondary plans shall be brought into consort with the requirements of the Escarpment Natural Areas and Escarpment Protection Areas of the Plan and such designations shall be mapped as part of the Proposed Plan."

Under New Lots strike out the word "...preferably..."

Replace the words "...should occur..." with the words "shall take place".

Replace the word "condominium" with the words  
"subject to *The Condominium Act*..."

Strike out the word "ownership..." and replace with  
the word "...creation...".

Under "Official Plans" change the word "may" to the  
words "...may not...".

Strike out the word "...requiring...".

## 2.8 Mineral Resource Areas

Concur subject to the following change:

Add after the last sentence of the preamble, a paragraph:  
"Under proposed *The Aggregates Act*, C.O.N.E. recommends  
that the application of the new Act be made pervasive  
of the Province but that no permits or licences be issued  
for activities within the Niagara Escarpment Plan Area  
without a certificate of approval issued by the Niagara  
Escarpment Commission."

Under New Licences strike out Point 1, 2, and 3 replacing  
with the words:

"1. Wayside pits may be permitted in Escarpment Rural  
Areas only and subject to *The Pits and Quarries Control  
Act, 1971*, or its successor as amended in a proposed  
draft by The Canadian Environmental Law Association and  
as outlined in a brief to the Standing Committee on  
Resources of the Ontario Legislature by the Coalition  
on the Niagara Escarpment and subject to an acreage and  
tonnage limit."

Under Accessory Uses strike out words, "...and  
asphalt plants."

Under Rehabilitation strike out the words "...wherever  
possible..."

Under Existing Licensed Areas strike out the words  
"...implementing body..." and replace with the words  
"...the Niagara Escarpment Commission..."

Strike out the words "...in consultation with..." and

replace with the words "...with the approval of...".  
Under Existing Licensed Areas add a paragraph 3, viz.,  
"Where existing licences conflict with undisturbed  
Escarpment slopes, stream valleys, wetlands and  
other significant nature areas the Commission shall  
in conjunction with the Ministry of Natural Resources  
and the licensee relocate the licensed area outside  
the Escarpment Natural Area. Without affecting the  
generality of the foregoing the following licensed  
areas shall be given priority:

1. Dufferin Aggregates.
2. Lion's Head pit at Eastnor Bay.

#### 2.9 Development Criteria

Concur with change of word "will" to use word "may"  
in the phrase "all the criteria may not apply...".  
Change words "...The implementing body..." to "...The  
Commission...".

##### 2.9.1 Existing Uses

Concur subject to change as follows:  
In Point 2, strike out the word "...sufficiently...".

##### 2.9.2 Development on Existing Lots

Concur subject to changes as follows:  
In Point 2, add after the words "Government of Ontario  
or the Niagara Escarpment Commission through the Niagara  
Escarpment Lands Funds...".  
Strike out after "...and the government".  
Strike out the paragraph beginning "If in one year...".  
Replace with the paragraph: "Seek a purchaser prepared  
to buy the property at fair market value for resale or  
retention in conformity with the objectives of the  
Proposed Plan designation.  
In Point 3, change the word "should" to "shall".  
In Point 6, strike out the word "may".

In point 7, change word "should" to the word "shall".

2.9.3 Lot Creation

Concur subject to following changes:

Change word "should" to "shall" throughout, excepting in Point 3, change word "should" to "is to".

In Point 6, change first sentence to read:

"In Escarpment Rural Areas new lots may be created by a limited number of low gross density-high net density rural plans of subdivision, packaged unit developments, or by reference to *The Condominium Act* as provided for in local official plans."

2.9.4 New Development Adjacent to Streams, Lakes and Wetlands

Concur subject to change of the word "should" to "shall" throughout.

2.9.5 New Development Adjacent to Ravines

Concur subject to change of word "should" to "shall" throughout.

2.9.6 New Development Within Wooded Areas

Concur subject to change of word "should" to "shall" throughout.

2.9.7 Agriculture

Opposed to Point 1.

Strike out Point 1 and replace with:

"Agricultural lands of all classifications shall be subject to the requirements of the component of this Plan covering Escarpment Rural Areas as set out and amended in 2.4."

Point 2, concur.

In Point 3, strike out the word "should" replacing with word "shall".

2.9.8 Heritage

Concur subject to change of the words "should" and "could" to "shall" throughout.

In Point 3, paragraph 3, strike out the word "very".

2.9.9 Forest Management

Concur subject to changes:

Replace words "implementing body" with the words "Niagara Escarpment Commission" and word "should" with word "shall".

2.9.10 Transportation and Utilities

Concur subject to changes as above.

2.9.11 Recreation

Concur subject to change of word "should" to "shall" throughout.

2.9.12 Escarpment Recreation Areas

Concur.

2.9.13 Mineral Resources

Concur subject to following changes:

In Point 1, strike out the words "Extraction licences including ..." and words "...have regard to..." and add words "not be at variance with:" that is to say, "Wayside pit permits granted shall not be at variance with:"

In Point 2, concur subject to change of word "edge" to word "brow".

2.10 Implementation of Land Use Policies

Opposed. Strike out and replace with: "The Niagara Escarpment Plan will be the document approved by the Lieutenant-Governor in Council as provided in Section 10 SS-11 of the *Niagara Escarpment Planning and Development Act*".

2.10.1 Relationship to Local Official Plans and By-Laws



Concur.

2.10.2 Land Use Control - Implementation

Concur subject to following changes:

Paragraph 1, line 2, change word "is" to words "shall be".

Strike out the word "preferred".

Paragraph 1, line 3, strike out the words "most of".

Paragraph 3 change to read:

"The *Niagara Escarpment Planning and Development Act* shall be amended to make provision for the delegation by the Niagara Escarpment Commission of its authority to issue development permits to a county or regional municipality or to a city outside a regional municipality or county subject to conditions as it sees fit and subject to revocation of such power upon failure to perform on the part of the recipient."

"The authority to control land subdivision as set out in Part VI of the new *Planning Act* for Ontario is a necessary adjunct to the powers of development control. The Commission should have delegated to it by the Minister of Housing the subdivision control and severance consents authority which that Minister is now allowed to delegate to municipal councils. Further there should be powers of sub-delegation by the Commission to regional municipalities, counties and cities outside either subject to conditions.

2.10.3 Amendments to the Niagara Escarpment Plan

Concur subject to the *Niagara Escarpment Planning and Development Act* being amended to permit appeals to the Ontario Municipal Board and Cabinet and providing for ratification of amendments by the Assembly as in Section 3-3 of the *Niagara Escarpment Planning and Development Act*.

2.10.4 Review of the Niagara Escarpment Plan

Concur subject to the following changes:

The *Niagara Escarpment Planning and Development Act* should be amended to require the Plan when reviewed in the five-year period to be ratified by the Assembly.

Add a paragraph:

"Within the Niagara Escarpment Proposed Plan provision shall be made for monitoring and evaluation to assess the effectiveness of the Plan and its implementation.

This should include:

- a) Information gathering.
- b) Monitoring performance.
- c) Information dissemination.
- d) Modification of standards, criteria, methodologies and techniques.
- e) New or alternative plan formulations.
- f) Annual report embodying program evaluation and review and corrective measures."

Escarpment Parks and Acquisition Policies

3.1 Past Acquisition Programs

Note is made of the "serious problems" created for the Commission by unilateral withdrawal of acquisition funds by the Provincial government.

Conservation purchases have "virtually stopped".

"Funds also ceased to be available for direct Ministry purchases," it is stated.

A "modest" acquisition program has now been resumed by the government.

These statements bode ill for the program with which the Plan proposed to deal.

3.2 The Niagara Escarpment Parks System

A heavy burden of coordination between eight



Conservation Authorities, the Ministry of Natural Resources and the Parkway Belt Plan is proposed. This requirement will demand a very efficient, stable and currently operating institution with a firm and clear mandate and direct access to, and familiarity with, the coordinative elements of the Provincial government (The Provincial Secretary for Resource Management) and through him the Premier and Cabinet itself.

3.2.1 Objectives  
Concur.

3.2.2 Organization

C.O.N.E. does not share the optimism of the Commission that the Conservation Authorities are either able or willing to perform the duties which the preservation of the Niagara Escarpment would impose upon them. While it is true that at all times the vital instrument of the Conservation Authority should be employed or, at least, consulted and deferred to, it is to be remembered that Conservation Authorities have their own substantial chores and objectives and that they levy a mandatory fiscal burden upon the municipalities in their watersheds in order to perform their work. It is felt that it is unfair to ask that this special Provincial-scale challenge to preserve the Escarpment for all of the people of the Province be carried in any part by the limited finances of rural and small town Ontario. C.O.N.E. has proposed therefore that the Commission be given under amended legislation the power to purchase, maintain and operate as an agent of last resort those properties vital to the Escarpment Parks system.

3.2.3 Park Classification

Change: "Natural Environment Recreation Parks" to "Natural Environment Parks" and "Intensive Recreation Parks" to "Recreational Parks".

3.2.4 Guidelines for Park Master Plans

Concur subject to the following changes:

First paragraph, second sentence, after the words "appropriate conservation authority" add the words, "or the Niagara Escarpment Commission".

Point 4, paragraph (d) adding the words "and the Commission" after the words "Ministry of Natural Resources".

3.3 The Bruce Trail

Concur subject to the following changes:

Paragraph 3 after the words "the Bruce Trail Association", add the words "...the Niagara Escarpment Commission..."

3.4 Future Acquisition

Concur.

3.5 Role of the Ministry of Natural Resources

Opposed. The following is substituted:

"The Niagara Escarpment Commission shall coordinate the planning and development of the Niagara Escarpment Parks System. The Ministry of Natural Resources shall act in an advisory and support role excepting that where parks are under the control of the Ministry or are under other auspices and in contract with the Ministry of Government Services the internal management and planning of such parks shall lie outside the purview of the Commission and within that of the Ministry.

3.6 Methods of Land Acquisition

Concur subject to the following change:

Add after No. 8

"9. The Niagara Escarpment Lands Fund and the Niagara Escarpment Commission be described by Amendment to the *Niagara Escarpment Planning and Development Act* as subject to *The Mortmain and Charitable Uses Act* so that gifts of money and of land may be made to them."

3.7 Proposed and Existing Escarpment Parks  
Concur.

General Recommendations

4.1 Administration and Implementation of The Plan  
C.O.N.E. agrees that a major burden of coordination and cooperation must be assumed to implement the Proposed Plan and to assure that it does not become a token statement such as the Toronto Centred Region Plan. It must be stressed that a firm and experienced agency having the support of municipal government and with access to senior government is required. This is no job for an ad hoc blending of existing institutions and a casually named Minister of the Crown. Coordination of its complex of ministries and agencies is a goal that has up to this date eluded the Province. Only a strong agency can even dream of attempting the same effort on behalf of the Escarpment. A grave lack of Provincial policy on which to base such longed for notions of coordination will also render useless anything but a cohesive and well-structured Escarpment institution. Standardization of policies will not emerge, adequate policy formations and review will not take place unless a specific body is set up and charged with the ongoing care of the Escarpment.

4.1.1 Functions to be Performed

Concur subject to the following changes:

Point 6, Points 1, 2 and 3, striking out the words appearing in parenthesis.

Adding a Point 9:

"9. The ongoing planning of the designated plan area together with such investigations and studies, public meetings, preparation of maps and texts, consultations as shall serve to preserve the integrity of the planning objectives established under the *Niagara Escarpment Planning and Development Act*."

Adding a Point 10:

"10. Administering as an agent of last resort such park facilities as are vital to the Plan but for which no commitment is immediately forthcoming from other agencies or institutions."

#### 4.1.2 Provincial and Municipal Roles

Opposed. C.O.N.E. wishes to modify this section by striking out the first and second paragraphs, and replacing them as follows:

"It has been Provincial policy to declare the Niagara Escarpment a unique natural resource of interest to all Ontarians. A special and difficult planning and coordination role has been assigned to protect it.

"The Niagara Escarpment Commission in its present form, but with an improved cross-section of representation in its membership from the Province as a whole and society in all its parts being requested, should be continued. In addition it should be charged with an on-going specific planning role for the Escarpment.

"The Commission shall be granted authority necessary to its task of assuring adequate land and parks acquisition by its being given powers, as under the *Conservation Authorities Act*, to borrow money, to purchase and sell land and to receive gifts and bequests and senior government grants. A special fund called The Niagara



Escarpment Lands Fund should be established in the Consolidated Revenue Fund to facilitate this function.

"The Commission should not be given authority or powers for the expropriation of land.

"All funds for the Commission in light of its special mission to the people of Ontario as a whole should come from the Provincial government rather than any local levy. This would not limit bequests or revenues as shall from time-to-time accrue to the Commission.

"The Commission's future role has strong precedent of organization and operation in the *Niagara Parks Act* and *The National Capital Act*.

"A strong organization with a clear and firm mandate is required to cope with the powerfully contending forces hostile to the achievement of the Commission's responsibilities under the *Niagara Escarpment Planning and Development Act*."

- 4.1.3 Land Use Control: Development Control and/or Zoning By-laws  
No objection.

- 4.1.4 Development Control and the Niagara Escarpment Plan  
Concur.

- 4.1.5 Implementing Body for Land Use Controls

Strongly oppose paragraphs following paragraph 1.

Strike out balance of text and replace as follows:

"Once the Plan is approved an even stronger reason for the continuance of a body experienced in the use of this new planning instrument, development control; exists.

"It is proposed that the *Niagara Escarpment Planning and Development Act* be amended to continue the Commission and to delegate development control and subdivision and severance control permanently to the Commission with power to delegate both the counties and regions or cities

outside of regions and counties on request and subject to conditions, one of which shall be recipient's exhibiting competence and resolve to exercise these controls. The Commission shall have power to revoke this authority.

4.1.6 Development Control - Delegation of Cities in Regional Municipalities

Concur subject to the above (4.1.5 changes).

4.1.7 Development Control - Notification of Decisions

Strongly concur with the proviso that the *Niagara Escarpment Planning and Development Act* be amended to provide for notice of hearing in advance instead of notice of decision after the fact.

4.1.8 Development Control - Appeals

Concur subject to change as follows:

Strike out second last paragraph and in light of the special Provincial interest in the Escarpment replace with:

"It is recommended that appeal against an Ontario Municipal Board decision shall lie to Cabinet."

4.1.9 Recommendations on Implementation

Concur subject to change as follows:

Strike out all of Point (b) and replace with the words:

"b) The *Niagara Escarpment Planning and Development Act* be amended so that the Ministry may permanently delegate to the Commission the authority to issue development permits and further that the Commission may in writing and subject to such conditions as it considers appropriate delegate this authority to counties and regions subject to their performance."

Strike out Point (g) replacing with the words:

"g) The *Niagara Escarpment Planning and Development Act* be amended so that the procedure on appeals may lie from

the Ontario Municipal Board to Cabinet".

Strike out Point (h) and replace with the words:

"h) *The Planning Act of Ontario* be amended so as to permit delegation of control of the subdivision of land within the planning area to the Niagara Escarpment Commission with power to sub-delegation to counties, regions and cities."

4.2 The Bruce Trail

Concur subject to change as follows:

Strike out paragraph 6 starting, "To follow..." down to "...unthinkable."

4.2.1 Stabilization of the Trail

Concur subject to the following change:

Point 4, strike out the word "timely" and replace with the word "immediate".

4.2.2 Recommendations on the Bruce Trail

Concur.

4.3 Scenic Drives

Concur.

4.3.1 Recommendations on Scenic Drives

Concur.

4.4 Conservation Authorities and Recreation

Concur.

4.4.1 Recommendations on Conservation Authorities and Recreation

Concur.

4.5.1 Recommendations on Significant Geological Areas

Concur.

4.6 Important Nature Areas

Concur.

4.6.1 Recommendations on Important Nature Areas

Concur.



4.7 Heritage

Concur.

4.7.1 Recommendations on Heritage

Concur subject to change as follows:

Point (f), insert after "Resources" and before "ensure" the words "...and the Niagara Escarpment Commission..."

4.8 Tourism and Recreation

Concur.

4.9 The Tobermory Islands

Concur.

4.9.1 Recommendations on the Tobermory Islands

Concur subject to change as follows:

Striking out after "Parks Canada..."

4.10 Forestry

Concur.

4.10.1 Recommendations on Forestry

Concur subject to following change:

In Point (c), insert before the word "permits", the word "posted".

4.11 Wildlife

Concur.

4.11.1 Recommendations on Wildlife

In Point (d) add after "upland game birds" the words "...and non-game wildlife..."

(e) Conservation easement or management agreement program should be encouraged for wildlife habitats on private land.

4.12 Fisheries

Concur.

4.12.1 Recommendation on Fisheries

Concur.

- 4.13 Agriculture
  - Concur subject to following change:
    - Strike out last sentence beginning "The maintenance of".
  - 4.13.1 Recommendation on Agriculture
    - Concur.
- 4.14 Transportation and Utilities
  - Concur.
  - 4.14.1 Recommendation on Transportation and Utilities
    - Concur subject to following change:
      - For the word "should" substitute the word "shall".
- 4.15 Mineral Resources
  - Concur subject to the following changes:
    - In paragraph 14 commencing "The Commission ..." strike out the parenthesis (except wayside pits). In the next sentence strike out the word "Protection" and substitute for it the word "Rural".
    - In paragraph 19 commencing "While the existing..." strike out the word "not" and replace it with the words "no longer". Strike out the words, "for all times".
    - In paragraph 20, second sentence, strike out word "Three" and replace with word "Two..." Renumber points ensuing accordingly.
    - Strike out next paragraph starting "There are known..."
  - 4.15.1 Recommendations on Mineral Resources
    - Concur subject to following changes:
      - In Point (c) strike out the words "dredging for sand and gravel in Lake Ontario..."
      - In Point (d) Strike out the words "except for wayside pits..." Strike out the word "Protection" and replace it with the word "Rural".

6.1 Definitions

Under Wayside Pit add the words: "...and is subject to a certificate of approval issued by the Commission in writing which shall set out a tonnage per annum and gross tonnage limit and an acreage limit."

RECOMMENDATION:

None.

REASONS:

This submission was largely in support of the Proposed Plan although many reservations were expressed and amendments suggested which we have very carefully considered and made recommendations or comments on elsewhere in this report. It is further noted that we have not considered items which are beyond our jurisdiction, such as suggested amendments to various Provincial Statutes. Many of the comments contained in this submission relate in a derogatory manner to methods of operation of the Provincial Government which in our opinion detracted from the credibility of this submission.

AGENT: Hugh T. Lemon

GROUP: St. Edmunds Property Owners Association

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SUMMARY OF SUBMISSION:

This submission was primarily concerned with the effects of the Proposed Plan on the Township of St. Edmunds but it did however set out the following recommendations of general concern:

1. Re Section 2.9.2 (2)

The acquisition period should be reduced to six months.

2. Re Section 2.9.11 (4)

Snowmobiles and other motorized vehicles must be prohibited not just avoided.

3. Re Section 4.1.2

The administration of the Plan should be carried out locally to the fullest extent possible.

4. Re Section 4.1.7

Notice should be mailed directly.

5. Re Section 4.14.1

Transportation and utility facilities should be prohibited from Escarpment Natural Areas.

RECOMMENDATION:

None.

REASONS:

These matters are dealt with in recommendations, comments and reasons in the general section of this report.

AGENT: David Greenfield

GROUP: Rattlesnake Point Citizens Group

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SUMMARY OF SUBMISSION:

This submission while generally supportive of the Proposed Plan makes the following recommendations:

1. That the consideration of land divisions by severances within the area of the Proposed Plan be undertaken by the Niagara Escarpment Commission only.
2. That where applications for development permits are received for such things as gravel pits, subdivisions and condominiums that consideration be given to expanding the notice area to be those within an area up to five kilometres.
3. That "asphalt plants" should be prohibited in the Mineral Resource Areas and other development control zones.
4. That Development Criteria, Section 2.9.13, should apply to new mineral extractive operations and to new accessory uses.
5. That "development control" should be the preferred land use method and that the Niagara Escarpment Commission should be the continuing authority for purposes of the Plan.

RECOMMENDATION:

None.

REASONS:

This submission was generally in support of the Proposed Plan and also covered some alleged deficiencies in the Plan. We have attempted to answer these problems in our recommendations, comments and reasons in the general section of this report. However, Item No. 1, above, is beyond our jurisdiction.



OWNER: Alan H. Towsley

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SUMMARY OF SUBMISSION:

This submission generally supports the Proposed Plan but suggests that the Plan should be modified to reflect recent land use planning policies as set out by local municipal and regional policy documents. The submission further states concerns that the policies set out in the Plan for designations such as the Escarpment Protection Areas are too general when applied to lands within existing settlements.

RECOMMENDATION:

None.

REASONS:

This submission was generally in support of the Proposed Plan and also covered some alleged deficiencies in the Plan. We have attempted to answer these problems in our recommendations, comments and reasons in the general section of this report.

AGENT: Ronald Marini, Planning Director

GROUP: Town of Stoney Creek

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SUMMARY OF SUBMISSION:

This submission sets out the following points and recommendations:

1. Zoning is more desirable than development control.
2. That Heritage policies be re-written so as not to interfere with the local municipal perspective.
3. (a) The basis for the Urban Centre classification be identified.  
(b) The Urban Group classification be deleted from the Proposed Plan if the hearing officers can find no strong basis for the classification.  
(c) If the Urban Group classification is to be retained, then transportation and utility uses should be specific permitted uses in the Urban Group One classification.  
(d) If the hearing officers elect not to take any action in respect of the foregoing three items, then it is requested that the Town of Stoney Creek be included in the Urban Group Two classification.
4. That more emphasis be placed on land acquisition in the southern end of the Escarpment.
5. That the Plan incorporate as many regional plan policies as would reduce the amendments necessary to bring local plans into conformity.

RECOMMENDATION:

None.

REASONS:

These matters are dealt with in recommendations, comments and reasons in the general section of this report.

AGENT: David Kennedy

GROUP: Sierra Club of Ontario

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SUMMARY OF SUBMISSION:

This submission makes the following points and recommendations:

1. That the implementation of the Plan be under a continuing body.
2. That wayside pits not be permitted in the Escarpment Protection Areas.
3. That new pits and quarries are unnecessary within the Escarpment Natural and Escarpment Protection Areas.
4. That fees should be increased to provide for adequate rehabilitation of depleted pits and quarries.
5. That development control be the method used to control development.
6. Prefers easements as opposed to land acquisition.
7. Supports the securing of the Bruce Trail as a high priority.

RECOMMENDATION:

None.

REASONS:

This submission was generally in support of the Proposed Plan and also covered some alleged deficiencies in the Plan. We have attempted to answer these problems in our recommendations, comments and reasons in the general section of this report. However, Item No. 4 above is beyond our jurisdiction.

COUNSEL: Gordon Grechulk

GROUP: City of Burlington

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SUMMARY OF SUBMISSION:

This submission makes the following recommendations:

1. Paragraph 5 of Section 2.9.3 of Part 2 be amended to read as follows:

Section 2.9.3 - 5 Lot Creation -

5. Lot creation within Escarpment Natural Areas, Escarpment Protection Areas, Escarpment Rural Areas, Minor Urban Centres, Urban Centres, and Escarpment Recreation Areas will be subject to the requirements of local official plans, if more restrictive.

2. Section 2.10.1 of Part 2 be amended to read as follows:

Section 2.10.1 Relationship of Local Official Plans and By-Laws -

If a municipal official plan or by-law is more restrictive than the Niagara Escarpment Plan, that plan or by-law shall be deemed not to be in conflict.

3. Comments on Interpretation of Boundary Lines -

It is difficult to interpret where the actual boundary lines are located between the various land use designations on the map. The City recommends that a statement be placed in the text that will give the implementing body some flexibility in the interpretation of that line.

4. Comments on Escarpment Natural Areas, Section 2.2 Page 19  
The City of Burlington recommends that under "Criteria for Designation" that the final Escarpment Plan not only have regard for Provincially significant areas but also areas that are identified as being regionally significant. This will permit additional Escarpment features to be preserved and protected from further unwanted disturbance.
5. That before any asphalt plant is permitted to locate in a Mineral Resource Area, a detailed study be undertaken to evaluate the environmental impact on surrounding land use.
6. That once the Niagara Escarpment Plan is approved, and is incorporated into the City's official plan, then the implementation of the Plan should rest with the City.

EXHIBIT:

51. City of Burlington's requested changes re severance policy.  
Section 2.9.3 - 5 Lot Creation  
Section 2.10.1 of Part 2

RECOMMENDATION:

None.

REASONS:

This submission was generally in support of the Proposed Plan and also covered some alleged deficiencies in the Plan. We have attempted to answer these problems in our recommendations, comments and reasons in the general section of this report.



FILE NO. G 200-89

SUBMISSION NO. 56

AGENT: R.J.L. Zsadanyi, Planning Director

GROUP: Town of Milton

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SUMMARY OF SUBMISSION:

This submission endorses the Plan as now proposed subject to the Town being permitted to have a full voice in land use planning policies within the Niagara Escarpment Planning Area on an ongoing basis.

In addition the submission referred to a small portion of land in Part Lot 10, Concession 1 that forms the "link" between the "Niagara Escarpment Development Control Area" and the "Parkway Belt West Planning Area" and which has been given no designation.

RECOMMENDATION:

None.

REASONS:

This submission indicates general support for the Proposed Plan and requires no further comment.

The question of the "link" referred to in the submission is beyond our jurisdiction.

AGENT: Bruce D. MacLean, Deputy Director of Planning

GROUP: Town of Halton Hills

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SUMMARY OF SUBMISSION:

This submission is one of general support for the Proposed Plan but makes the following recommendations:

1. That wayside pits not be a permitted use in Escarpment Protection Areas.
2. That the authority for the regulation of the Escarpment Rural Areas be delegated to the local area municipality.
3. That asphalt plants be deleted as a permitted accessory use in Mineral Resource Areas where the effects of such use would be detrimental to the natural environment.
4. That an annual tonnage limit be imposed on wayside pits.
5. That the word "cultural" be deleted from Section 2.9.10 of the Proposed Plan.
6. That Section 2.10.2 be amended to provide for the delegation of authority to issue development control permits to all local municipalities.

RECOMMENDATION:

None.

REASONS:

This submission was generally in support of the Proposed Plan and also covered some alleged deficiencies in the Plan. We have attempted to answer these problems in our recommendations, comments

Submission No. 57 continued

and reasons in the general section of this report.

COUNSEL: Kenneth Anderson

GROUP: Regional Municipality of Halton

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SUMMARY OF SUBMISSION:

This submission although in support of the Proposed Plan makes the following recommendations:

1. Re Section 1.2

That the Land Use Plan identify, on the base map, the location of the Escarpment face or slope as shown in the Preliminary Proposals.

2. Re Section 1.8

(a) That the Plan recognize the fact that the Escarpment is, in some instances, located outside the Niagara Escarpment Planning Area.

(b) The the term "the Escarpment" be defined in Chapter 6.

(c) That the Niagara Escarpment Planning Area be expanded to include:

i) Those Escarpment lands previously included within the Parkway Belt, and not now shown by the Plan;

ii) Those environmentally sensitive lands identified as either the Acton Swamp or Hilton Falls complex, in the Halton Region; and

iii) Those lands south of the Milton urban area which previously joined the Niagara Escarpment Planning Area to the Parkway Belt Planning Area.

3. Re Section 2.1

- (a) That the land use designation and development criteria be separated into two distinct chapters.
- (b) That the introduction be expanded to clarify the relationship of the land use designations to the development criteria policies and other policies in the Plan.
- (c) That major and minor designations be identified in the introduction and that minor designations such as mineral resources be identified as overlays to the major designations.
- (d) That the criteria for each of the land use designations be expanded to include possible upgrading and long term Provincial aspirations.

4. Re Section 2.2

- (a) That the objectives and criteria for designation of the Escarpment Natural Areas recognize possible upgrading.
- (b) That subsection (2) of the criteria for the Escarpment Natural Area clarify the term "the Escarpment" and also the term "back from the brow".
- (c) That subsection (3) of the criteria for designation include Provincially and Regionally significant nature areas.
- (d) That all Regional environmentally sensitive areas, located within the final Escarpment Planning Area, be designated as Escarpment Natural Areas.

5. Re Section 2.3

- (a) That Criteria 3 of the Escarpment Protection Area be deleted.
- (b) That wayside pits be deleted as a Permitted Use.
- (c) That subsection (2) dealing with new lots in the Escarpment Protection Area be amended as follows:  
"In addition, one new lot may be severed for every

lot, minimum size 40 hectares, in existence upon the approval date of this Plan."

6. Re Section 2.4

- (a) That Objective 3 of the Escarpment Rural Areas be revised as follows:

"To encourage and maintain agriculture and forestry and to permit low density rural land uses compatible with agriculture and forestry."

- (b) That a new Objective, Objective No. 4, be established as follows:

"4. To provide for the continuity of the Niagara Escarpment Planning Area."

- (c) That the term local official plans be defined to include both regional and area municipality official plans.

- (d) That subsection (1) dealing with New Lots be revised as follows:

"In addition, two new lots may be severed for every lot, minimum size 40 hectares, in existence upon the approval date of this Plan."

7. Re Section 2.5

That the subsection permitted uses and new lots of the Minor Urban Centres be amended as follows:

"The range of permitted uses and the creation of new lots will be subject to the following goals and objectives."

8. Re Section 2.7

That the intent, objectives and criteria for this designation be clarified to provide for private summer and winter recreation - accommodation as opposed to public recreation identified in Chapter 3 of the Plan.

9. Re Section 2.8



- (a) That mineral resource extractive operation be defined as an interim land use and that the Mineral Resource Area land use designation be identified as an overlay designation to one of the major land use designations.
  - (b) That the Niagara Escarpment Commission and Ministry of Natural Resources review all Mineral Resource Area designations to determine an appropriate end use and major land use designation.
  - (c) That a subsection of Permitted Uses be included within the Mineral Resource Area designation and that forestry, agriculture and other activities deemed compatible with surrounding land use designations be permitted.
  - (d) That asphalt plants not be permitted as an accessory use in Mineral Resource Areas.
  - (e) That both hectares and tonnage be used to determine the necessity for a Niagara Escarpment Plan amendment for a pit or quarry within the Escarpment Rural Area.
  - (f) That the Niagara Escarpment Planning Area, and in particular Escarpment Natural and Escarpment Protection Areas, receive special recognition as the new Pits and Quarries Restrictive Zone to be included within the new Aggregates Act.
  - (g) That special wayside pit policies and criteria for their location be included within the Plan.
10. Re The Land Use Plan
- (a) That the Escarpment slope or face be identified on the land use plan.
  - (b) That future Escarpment slopes and faces be identified on the land use plan.
  - (c) That "Public Lands Not In Park System" be deleted

from the land use plan.

- (d) That the Niagara Escarpment Park System, Significant Geological Areas, Provincially significant nature areas, ski areas, park nodes, etc. be identified on the land use plan.
- (e) That lots and concessions be identified on the land use plan.

11. Re Section 2.9

That Section 2.9 be expanded to include an appropriate introduction similar in scope to that of the introduction to the land use designations.

12. Re Section 2.9.1

That the intent of Section 2.9.1 be clarified to show where a permit is not required for the replacement or alteration of an existing use.

13. Re Section 2.9.2

- (a) That the statement "the process fails" be clarified in the Plan.
- (b) That an environmental impact assessment be required for proposed uses on those existing lots located in Escarpment Natural Areas.

14. Re Section 2.9.3

That new lots be defined in Chapter 6 of the Proposed Plan.

15. Re Section 2.9.4 and 2.9.5

- (a) That Section 2.9.4 and Section 2.9.5 be merged.
- (b) That subsection 1 (a) of Section 2.9.4 be amended by adding the following:  
"Except where tile drainage is necessary for agricultural purposes."

16. Re Section 2.9.7

- (a) That specialty soils be recognized in this section.

- (b) That the Canada (Ontario) Land Inventory (ARDA maps) be recognized as the source for determining soil capability for agriculture.
- (c) That the Food Land Guidelines policies be recognized to complement the Niagara Escarpment Plan.

17. Re Section 2.9.12

That Section 2.9.12 be deleted and merged with Section 2.7 of the Proposed Plan.

18. Re Section 2.9.13

- (a) That the Objective of this Section be amended by adding:  
"And to minimize the impact of development on high quality mineral reserves."
- (b) That the word "new" be struck from the Objective and include in subsection (2) between the words "no extraction".
- (c) That quarrying be permitted close to the natural edge wherever a new natural edge is deemed desirable.
- (d) That the term natural edge be replaced with the term Escarpment brow.
- (e) That prime mineral resource areas be identified on the land use plan.
- (f) That criteria for the identification of prime mineral resource areas be agreed upon by the Commission and the Ministry of Natural Resources.
- (g) That Mineral Resource Protection Areas be required in the Escarpment Rural Area designations of local official plans should no such designation be provided within the Niagara Escarpment Plan.

19. Re Section 2.10

- (a) That the term municipality be defined to include both local and regional municipality.
- (b) That this section be inserted in Chapter 4 - Administration and Implementation.

20. Re Chapter 3

- (a) That the role of the Conservation Authorities be re-examined in the light of Provincial, Regional and local recreational interest and that passive and active recreation be specifically defined.
- (b) That existing pits and quarries be re-examined for possible inclusion and identification as acquisition areas to the Niagara Escarpment Parks System.
- (c) That the priority rating for the purchase of parklands recognize Regional environmentally sensitive areas and the heavy demand for parkland near major urban centres.

21. Re Chapter 4

- (a) That General Recommendations dealing with specific areas, conditions or activities be identified in a separate chapter.
- (b) That the *Niagara Escarpment Planning and Development Act* be amended to allow delegation of development control powers to cities and towns via regional or county councils.
- (c) That notification of decisions pertaining to development permits be sent to any municipality, agency or person who comments on that particular development permit.
- (d) That development control appeals be made to the Minister where the matter is minor or local concern with the right of further appeal to Cabinet where there is a direct Provincial interest.
- (e) That the role of the Conservation Authorities in providing recreation be re-examined in light of Provincial and municipal recreation interest, particularly where those interests involve Provincial, Regional and local active recreation.

22. Re Chapter 6

That Chapter 6, Definitions, be made a part of the Plan and that terms such as the Escarpment, municipality, and local official plan be defined in the Plan.

RECOMMENDATION:

None.

REASONS:

As indicated, the Region of Halton is in support of the Proposed Plan although its submission recommended many changes. We have carefully reviewed this submission and in our opinion have made recommendations elsewhere in this report that deal with these matters where warranted in the light of all the evidence adduced at the hearings. In addition some of the recommendations are beyond our jurisdiction, such as those suggesting the enlargement of the area covered by the Proposed Plan.

FILE NO. G 200-15

SUBMISSION NO. 59  
(Written Only)

GROUP: St. Catharines & Lincoln Historical Society

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SUMMARY OF SUBMISSION:

In a letter it is recommended that a Heritage Advisory Committee be consulted in municipal planning developments. They also expressed concern for any Escarpment landowners who are not provided with financial incentives to implement the proposals.

RECOMMENDATION:

None.

REASONS:

This submission indicates general support for the Proposed Plan and requires no further comment.



FILE NO. G 200-19

SUBMISSION NO. 60  
(Written Only)

OWNER: Marvin Grove

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SUMMARY OF SUBMISSION:

This submission is in support of the Proposed Plan and wants the Escarpment protected from further development and recommends that emphasis be placed on establishing protected parks and securing the Bruce Trail.

RECOMMENDATION:

None.

REASONS:

This submission indicates general support for the Proposed Plan and requires no further comment.

FILE NO. G 200-23

SUBMISSION NO. 61  
(Written Only)

OWNER: Jeffrey Blegius

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SUMMARY OF SUBMISSION:

This submission is one of approval of the Proposed Plan and recommends that more should be done to protect the Escarpment Rural Areas from further development and that the securing of the Bruce Trail should be of first importance.

RECOMMENDATION:

None.

REASONS:

This submission indicates general support for the Proposed Plan and requires no further comment.

FILE NO. G 200-31

SUBMISSION NO. 62

(Written Only)

GROUP: Tecumseth and West Gwillimbury Historical Society

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SUMMARY OF SUBMISSION:

This submission is in support of the Proposed Plan and recommends that zoning be an alternative method of land use control for municipalities in Urban Centres, Minor Urban Centres and Escarpment Recreation Areas.

RECOMMENDATION:

None.

REASONS:

This submission indicates general support for the Proposed Plan and requires no further comment.

FILE NO. G 200-36

SUBMISSION NO. 63  
(Written Only)

OWNER: Charles Hildebrandt

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SUMMARY OF SUBMISSION:

This submission states that the Proposed Plan should be adopted without changes.

RECOMMENDATION:

- None.

REASONS:

This submission indicates general support for the Proposed Plan and requires no further comment.

FILE NO. G 200-39

SUBMISSION NO. 64  
(Written Only)

GROUP: South Peel Naturalists Club

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SUMMARY OF SUBMISSION:

This submission was in the form of a petition supporting the preservation of the Niagara Escarpment in its natural state.

RECOMMENDATION:

None.

REASONS:

This submission indicates general support for the Proposed Plan and requires no further comment.

FILE NO. G 200-42

SUBMISSION NO. 65  
(Written Only)

OWNER: Alfred Jurss

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SUMMARY OF SUBMISSION:

This submission is in complete opposition to the Proposed Plan.

RECOMMENDATION:

None.

REASONS:

Submission is much too negative to comment upon and to make any recommendation on it.



FILE NO. G 200-47

SUBMISSION NO. 66  
(Written Only)

OWNER: Ms. Margaret MacKenzie

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SUMMARY OF SUBMISSION:

Ms. MacKenzie wrote a letter in support of the Proposed Plan. She feels that certain funds should be committed to purchasing environmentally sensitive lands. She also feels that the Escarpment Rural designation should do more to protect against development.

RECOMMENDATION:

None.

REASONS:

This submission indicates general support for the Proposed Plan and requires no further comment.

FILE NO. G 200-56

SUBMISSION NO. 67  
(Written Only)

OWNER: W.A. Gilmour

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SUMMARY OF SUBMISSION:

This submission is in support of the Proposed Plan.

RECOMMENDATION:

None.

REASONS:

This submission indicates general support for the Proposed Plan and requires no further comment.

FILE NO. G 200-57

SUBMISSION NO. 68  
(Written Only)

GROUP: Ottawa Field Naturalist Club

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SUMMARY OF SUBMISSION:

This submission is in support of the Proposed Plan and recommends that Escarpment Recreation Areas be developed so as not to conflict with the Escarpment Protection and Escarpment Natural designations. It also recommends that control of development and quarrying operations be of prime importance and that the Plan should be implemented by a Provincially based organization rather than by several regional groups.

RECOMMENDATION:

None.

REASONS:

This submission was generally in support of the Proposed Plan and also covered some alleged deficiencies in the Plan. We have attempted to answer these problems in our recommendations, comments and reasons in the general section of this report.

FILE NO. G 200-63

SUBMISSION NO. 69  
(Written Only)

GROUP: The Ontario Federation of Anglers and Hunters

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SUMMARY OF SUBMISSION:

This submission indicates support from this group for the establishment of parks along the Escarpment providing there is provision for hunting and fishing in perpetuity.

RECOMMENDATION:

None.

REASONS:

This submission indicates general support for the Proposed Plan and requires no further comment.

FILE NO. G 200-65

SUBMISSION NO. 70  
(Written Only)

OWNER: John E. MacRae

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SUMMARY OF SUBMISSION:

This submission is in support of the Proposed Plan.

RECOMMENDATION:

None.

REASONS:

This submission indicates general support for the Proposed Plan and requires no further comment.

FILE NO. G 200-83

SUBMISSION NO. 71  
(Written Only)

OWNER: Ian R. Ward

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SUMMARY OF SUBMISSION:

This submission is in general support of the Proposed Plan and makes the following recommendations:

1. That provision be made for more active land acquisition by public authorities with fair compensation.
2. That new quarrying and wayside pit operations not be allowed to commence in the Planning Area.

RECOMMENDATION:

None.

REASONS:

This submission was generally in support of the Proposed Plan and also covered some alleged deficiencies in the Plan. We have attempted to answer these problems in our recommendations, comments and reasons in the general section of this report.



FILE NO. G 200-85

SUBMISSION NO. 72  
(Written Only)

OWNER: Miss Jane C. LeWarne

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SUMMARY OF SUBMISSION:

Miss LeWarne writes in a letter certain remembrances as a child and makes a strong plea to preserve the countryside.

RECOMMENDATION:

- None.

REASONS:

This submission indicates general support for the Proposed Plan and requires no further comment.

OWNER: Bryan Byng

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SUMMARY OF SUBMISSION:

In a written submission Mr. Byng made the following points:

- (a) Where the local government has sufficient controls to meet Niagara Escarpment objectives these developed areas should be returned to local control;
- (b) Where the Niagara Escarpment Commission retains control it should be clearly established to distinguish between development incidental to an established use and development which has an impact on the policies of the Plan;
- (c) Sees difficulty in trying to retain prime agricultural land where:
  - 1. lands lie between existing residential uses or non-residential uses,
  - 2. full municipal services exist up to the lands,
  - 3. unused lands in the control of developers,
  - 4. land values are too high to make farming economically viable;
- (d) make a policy to deal with vacant urban land as opposed to vacant rural land;
- (e) include a policy for providing retirement lots for farmers;
- (f) the Proposed Plan should be realistic and recognize built up areas such as the core area of Grimsby.

He makes the point in conclusion that once a plan is approved the dialogue on the part of planners becomes defensive.

RECOMMENDATION:

None.

REASONS:

These matters are dealt with in recommendations, comments and reasons in the general section of this report with the exception of (c) above, which is beyond our jurisdiction.

GROUP: Hamilton Naturalists Club

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SUMMARY OF SUBMISSION:

This submission is in general support of the Proposed Plan and emphasizes the following points:

1. Securing of the Bruce Trail should be given top priority.
2. That although the Club is in opposition to quarrying anywhere along the Escarpment it recognizes that such opposition be tempered by economics.
3. That the words "except where required for wildlife management" should be deleted from Section 4.10.1, Part (d).
4. That the implementation of the Plan should not be delegated to the municipalities or an overly large Commission but should be implemented by a smaller body appointed by the Province.

RECOMMENDATION:

None.

REASONS:

This submission was generally in support of the Proposed Plan and also covered some alleged deficiencies in the Plan. We have attempted to answer these problems in our recommendations, comments and reasons in the general section of this report.

AGENT: Ross Arthur, Planning Director

GROUP: County of Grey

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SUMMARY OF SUBMISSION:

This submission is generally in support of the Proposed Plan but would prefer the Plan to be implemented by a development control system administered at the County level.

In addition the brief made the following specific comments on the Plan:

1. Section 2.3 Escarpment Protection Areas

Clause 2, New Lots -

In order that the interpretation of this clause is more understandable and specific in its intent, it should be replaced as follows:

"New lots of not less than 40 hectares may be permitted. In addition, when no lots have been severed, two new lots may be severed for permitted uses for every 40 hectares or original township lot...Notwithstanding the foregoing, the creation of new lots in the Town Plot of Brooke, Sarawak Township, shall be in accordance with the local official plan."

2. Section 2.4 Escarpment Rural Areas

Clause 1, New Lots -

The second sentence should be replaced as follows:

"In addition, new lots may be created subject to the requirements of the local official plan."

3. Section 2.5 Minor Urban Centres

Clause 1, Growth Objectives -

Although the County feels that, in general, major growth of urban centres should be directed away from

Escarpment Natural and Escarpment Protection Areas, such a policy should not unduly restrict normal development of urban centres such as Kimberly or Griersville where alternative direction for growth is non-existent.

4. Section 2.9.4 New Development Adjacent to Streams,  
Lakes and Wetlands

Clause 1 (b), Water Quality

The location of sewage systems in relation to lakes, stream banks or ravines or wetlands should be in accordance with local Health Unit regulations.

5. Section 2.9.5 New Development Adjacent to Ravines

Clause 4 -

A slope of four to one is not considered excessively steep for some forms of structural development. The determination of whether or not structural development should take place on slopes should be made by the implementing body in consultation with the local Conservation Authority, Ministry of Natural Resources or Ministry of the Environment. It should be understood that steep slopes providing a constraint to structural development would be affected by a Hazard Lands designation in the local official plan which requires such consultation.

6. Section 2.9.6 New Development Within Wooded Areas

Clause 3 should be replaced as follows:

"Existing tree cover or other stabilizing vegetation should be maintained on steep slopes."

7. Section 2.10.1 Relationship to Local Official Plans  
and By-laws -

This section should be modified and state that if a municipal official plan or by-law is more restrictive than the Niagara Escarpment Plan, the Plan or by-law



shall take precedence over the Niagara Escarpment Plan.  
Clause 3 -

This section should be amended to state that grants will be made to municipalities to prepare or update local official plans or by-laws. The County feels that such costs incurred for the purpose of ensuring recognition and protection of a Provincial interest like the Niagara Escarpment in local planning documentation is the responsibility of the Province.

8. Section 3 Escarpment Parks and Acquisition

The County agrees with the methods of land acquisition as stated in Section 3.6 and totally rejects the expropriation method mentioned in Section 18 of the *Niagara Escarpment Planning and Development Act*.

It is further the position of the County that all lands forming a part of the Parks System should be acquired or held by a Provincial agency (Ministry of Natural Resources) and managed by the Conservation Authorities with 100% funding for all carrying and management costs to be provided by the Province.

The County is very concerned about the financial impact to local municipalities where substantial public acquisition of lands has occurred and is further proposed in the Plan. It is strongly recommended that the present tax structure relating to publicly owned lands within the Proposed Plan area be reviewed and appropriately adjusted by the Province to provide for a more equitable arrangement for local municipalities.

9. All ARDA lands as indicated as public lands on the land use schedules should be deleted.

EXHIBIT:

103. A Strategy Plan for the Niagara Escarpment. Within the Corporation of the County of Grey, August 1978

prepared by the Grey County Planning Department.

RECOMMENDATION:

None.

REASONS:

This submission was generally in support of the Proposed Plan and also covered some alleged deficiencies in the Plan. We have attempted to answer many of the problems set out in this submission in our recommendations, comments and reasons in the general section of this report.

FILE NO. G 700-33

SUBMISSION NO. 118

AGENT: Richard Hughes, Deputy Planning Director  
County of Grey

GROUP: Township of Keppel

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SUMMARY OF SUBMISSION:

The submission of the Council of the Township of Keppel was made on its behalf by the Deputy Planning Director of the County of Grey. It endorses the concerns of the County. The planner stated that his position supports development control as does the County of Grey. His planning responsibility is for the west half of the County and Keppel lies in that part. Part of Keppel is not included in the Proposed Plan. Concern was expressed regarding land acquisition within the Proposed Plan Area and any negative financial effects therefrom. Opposition is raised to further land acquisition unless this problem is addressed. A guarantee should be made with regard to funding of land acquisition within the five-year period proposed or reference to acquisition should be deleted from the Plan.

RECOMMENDATION:

None.

REASONS:

This submission was generally in support of the Proposed Plan and also covered some alleged deficiencies in the Plan. We have attempted to answer many of the problems set out in this submission in our recommendations, comments and reasons in the general section of this report.

AGENT: Ross Arthur, Planning Director  
County of Grey

GROUP: Township of St. Vincent

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SUMMARY OF SUBMISSION:

This submission is in general agreement with the Proposed Plan and in addition makes the following comments:

1. Section 2.8 Mineral Resource Areas

As a condition of granting a licence for an extractive operation it should be clearly stated that the site shall be completely rehabilitated by levelling the site, replacing the top soil and reseeding the area within two years of the issuance of the licence. Phasing of the operation, at the site, should be enforced with a new licence to be required for each phase. Each phase to be rehabilitated before the licence for any other phase is granted. The Township feels that, in this area, each phase should not exceed four acres.

2. Section 2.9.4 New Development Adjacent to Streams,  
Lakes and Wetlands  
Clause 1 (b) -

The provision of a 30 metre setback from the high water mark, top of a stream bed, and edge of any wetland for sewage system should apply in the case of new lots but not for existing lots. Any development or buildings on existing lots should be completed as outlined in Sections 1. a, 1. b, 1. c, 1. d, 1. e, 1. f and 1. g of paragraphs 2.9.4 and usual health unit requirements.

3. Section 2.9.5 New Development Adjacent to Ravines  
Clause 4 -

Clause 4 should be modified to state that structures

should not be placed on steep slopes and the Proposed Plan should not rigidly define a one to four slope as being precisely too steep for structural development. The determination of whether or not structural development should occur on slopes should be made by the implementing body in consultation with the Ministry of the Environment, Conservation Authority and/or Ministry of Natural Resources as required by the St. Vincent Official Plan in the Hazard designation which affects such lands.

- 4. Section 2.9.6 New Development Within Wooded Areas

Clause 3 -

Clause 3 rigidly defines a steep slope as having a slope of one to four. This clause should be revised to read that existing tree cover or other stabilizing vegetation should be maintained on steep slopes. The need to ensure stabilization of slopes is dependent upon the severity of the slope obviously, but it is also dependent upon other factors such as soil, surface water runoff, etc. which must be determined on an individual basis.

5. Section 2.9.10 Transportation and Utilities

The Township of St. Vincent is concerned over the potential effect that future required transportation and utilities corridors may have on the environment of the Niagara Escarpment and therefore, are in full agreement with this policy.

6. Section 2.10.1 Relationship to Local Official Plans and By-laws

The Township of St. Vincent feels that there may be conflicts between the Proposed Plan and the Township official plan and that the local official plan or zoning by-laws may be difficult to implement in some cases where there is a more restrictive policy than that of the Proposed Plan.



Clause 2 should be modified to say that when the local official plan or by-laws is more restrictive than the Proposed Plan, then the policies of the local official plan or by-law shall take precedence.

7. Section 2.10.2 Land Use Control - Implementation

The Township of St. Vincent recommends that the County of Grey be the implementing body to administer a development control system applicable to the Proposed Plan for this area. It is further a recommendation that the Niagara Escarpment Commission be under the Ministry of Housing and utilize that Ministry's staff. The Commission should be reduced to no more than eight members plus a chairman with all members appointed from each County or Region for three year staggered terms to ensure continuity. The function of the Commission would be that as outlined in Section 4.1.1 except that Clause 5 be amended to read:

"The monitoring of municipal administration (land use control, consents and subdivision approval) to ensure conformity with the Niagara Escarpment Plan."

8. Section 2.10.3 Amendments to the Niagara Escarpment Plan

It appears that in order to amend the Proposed Plan, the Commission, Advisory Committees and hearing officers would be retained to perform functions as in preparing the Plan. The Township finds this process to be unacceptable. It is recommended that when the Township's official plan is updated in conformity with the Proposed Plan that the approval of an amendment to the Township official plan by the Minister of Housing be deemed to be an amendment to the Niagara Escarpment Plan.



9. Section 4.1.8 Development Control - Appeals

Section 4.1.9 (f) Recommendations and Implementation

The Township supports the Ontario Municipal Board in assessing the costs of frivolous appeals against the originator as outlined in The White Paper on *The Planning Act*. The Township is concerned about the unnecessary delays and costs caused by individuals who are unaffected by a development application but lodge objections. It is therefore recommended that only property owners, within 400 feet of the affected area, and the municipality be notified of the proposed development.

Furthermore, upon final approval, by the Lieutenant Governor in Council, of the Niagara Escarpment Plan, the *Niagara Escarpment Planning and Development Act* should be amended to define the planning area as the area affected by the Proposed Plan.

RECOMMENDATION:

None.

REASONS:

This submission was generally in support of the Proposed Plan and also covered some alleged deficiencies in the Plan. We have attempted to answer many of the problems set out in this submission in our recommendations, comments and reasons in the general section of this report.

We have not dealt with items which in our opinion are not within our jurisdiction such as references to the form and membership of the Niagara Escarpment Commission.

FILE NO. G 700-98

SUBMISSION NO. 120

AGENT: Maitland Warder, President

GROUP: Warder Farms Limited

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SUMMARY OF SUBMISSION:

This submission is in general support of the Proposed Plan and its development control process which the above company finds serves the farm needs best. While concern is expressed in several instances that one or another of the alternatives offered by the Commission in implementation of the Plan would not be desirable there appears to be another resolution of various matters provided in the Proposed Plan that if accepted would meet the criticism.

RECOMMENDATION:

None.

REASONS:

This submission indicates general support for the Proposed Plan and requires no further comment.

OWNER: Robert McKessock, M.P.P.

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SUMMARY OF SUBMISSION:

This submission as indicated above was made by the Member of the Legislative Assembly of Ontario for Grey Riding. He is in opposition to the Proposed Plan and the *Niagara Escarpment Planning and Development Act* which fostered it. Municipal official plans and zoning by-laws adequately protect Escarpment lands, although this was not the case when the first intimation of what was intended began some 10 or 12 years ago. If the Plan is implemented there will be a duplication of planning with resultant costs. The submission points out that under development control the landowner who purchased his property in good faith is left to the whims of an appointed Commission. The application to the Commission necessary for procurement of a building permit he alleges has in some cases when turned down resulted in loss of a sale and devaluation of property rights and values. Hardship has been experienced by farmers in getting farm buildings erected, due to having to take the development permit route. The submission is opposed to the concept of a continuous Bruce Trail. With the Province owning 90,000 acres in the County of Grey alone, he states that enough trails could be established on Government land without getting onto private property. All lands acquired or to be acquired by the Province should pay full taxes to the Township.

RECOMMENDATION:

None.

REASONS:

This submission is of a general nature and recourse should be had to the recommendations, comments and reasons in the general section of this report.

FILE NO. G 700-11

SUBMISSION NO. 122

AGENT: D.J. Grant

GROUP: Isthmus Bay Property Owners' Association

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SUMMARY OF SUBMISSION:

This submission was withdrawn at the hearing.

RECOMMENDATION:

None.

REASONS:

Not necessary to comment.

FILE NO. G 700-37

SUBMISSION NO. 123

OWNER: Gordon Richardson

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SUMMARY OF SUBMISSION:

This submission was in opposition to the Proposed Plan in its entirety.

RECOMMENDATION:

None.

REASONS:

Submission is much too negative to comment upon or to make any recommendation on it.

FILE NO. G 700-12

SUBMISSION NO. 124

OWNER: Mr. and Mrs. Donald J. Grant

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SUMMARY OF SUBMISSION:

This submission was in opposition to the Proposed Plan and to the Niagara Escarpment Commission.

RECOMMENDATION:

None.

REASONS:

Submission is much too negative to comment upon or to make any recommendation on it.



FILE NO. G 700-60

SUBMISSION NO. 125

OWNER: Joseph W. Johnson

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SUMMARY OF SUBMISSION:

This submission was a philosophical presentation and was in general support of the Proposed Plan.

RECOMMENDATION:

None.

REASONS:

This submission indicates general support for the Proposed Plan and requires no further comment.

AGENT: Murray Betts

GROUP: Association of Counties and Regions of Ontario

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SUMMARY OF SUBMISSION:

This brief was in general support of the Proposed Plan and supports the use of development control as the preferred method of land use control for most of the area covered by the Proposed Plan and zoning as the preferred method in Urban Centres, Minor Urban Centres and Escarpment Recreation Areas.

RECOMMENDATION:

None.

REASONS:

This submission was generally in support of the Proposed Plan and also covered some alleged deficiencies in the Plan. We have attempted to answer these problems in our recommendations, comments and reasons in the general section of this report.

FILE NO. G 700-67

SUBMISSION NO. 127

AGENT: Angus Ralph, Vice President

GROUP: Tobermory Chamber of Commerce

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SUMMARY OF SUBMISSION:

This brief is in opposition to the Proposed Plan and suggests that the protection of the Escarpment be left to local people. The brief points out that there is no need to set out specifics as for example, it is of the opinion that the *Pits and Quarries Control Act* effectively protects the Escarpment.

RECOMMENDATION:

None.

REASONS:

Submission is much too negative to comment upon or to make any recommendation on it.

FILE NO. G 700-36

SUBMISSION NO. 128

OWNER: Angus Ralph

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SUMMARY OF SUBMISSION:

This brief was in opposition to the Proposed Plan since in the opinion of the submitter it removes most of the human rights to own land.

RECOMMENDATION:

None.

REASONS:

Submission is much too negative to comment upon or to make any recommendation on it.

FILE NO. G 700-15

SUBMISSION NO. 129

AGENT: Howard Awrey

GROUP: Ontario Real Estate Association

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SUMMARY OF SUBMISSION:

This brief was generally in favour of the intent of the Proposed Plan and suggests that zoning is the preferred method of implementation rather than development control.

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RECOMMENDATION:

None.

REASONS:

This submission was generally in support of the Proposed Plan and also covered some alleged deficiencies in the Plan. We have attempted to answer these problems in our recommendations, comments and reasons in the general section of this report.

AGENT: Thomas H. Owen

GROUP: Ontario Society for Environmental Management

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SUMMARY OF SUBMISSION:

This submission is in support of the Proposed Plan and urges that the Plan be interpreted and administered with a high degree of consistency and objectivity and that a special purpose body be established to achieve these objectives.

RECOMMENDATION:

None.

REASONS:

This submission was generally in support of the Proposed Plan and requires no further comment.



FILE NO. G 700-121

SUBMISSION NO. 131

AGENT: Mrs. Marion Hunter, Clerk

GROUP: Township of Melancthon

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SUMMARY OF SUBMISSION:

This brief is generally in support of the Proposed Plan but wants the control and implementation to be effected through local zoning by-laws rather than development control.

RECOMMENDATION:

None.

REASONS:

This submission was generally in support of the Proposed Plan and also covered some alleged deficiencies in the Plan. We have attempted to answer these problems in our recommendations, comments and reasons in the general section of this report.

FILE NO. G 700-91

SUBMISSION NO. 132

OWNER: William L. Shannon

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SUMMARY OF SUBMISSION:

There is no written submission and the oral submission was in complete opposition to the Proposed Plan and to all planning and zoning procedures.

RECOMMENDATION:

None.

REASONS:

Submission is much too negative to comment upon or to make any recommendation on it.

FILE NO. G 700-58

SUBMISSION NO. 133

OWNER: L.R.L. Symmes

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SUMMARY OF SUBMISSION:

This submission generally supports the Proposed Plan but is concerned that there is no clear recommendation on how the Plan will be administered. It does not want the administration of the Plan to be at the local level but it should be at the Provincial level.

RECOMMENDATION:

None.

REASONS:

This submission was generally in support of the Proposed Plan and also covered some alleged deficiencies in the Plan. We have attempted to answer these problems in our recommendations, comments and reasons in the general section of this report.

FILE NO. G 700-16

SUBMISSION NO. 134

AGENT: Steve Varga

GROUP: Toronto Field Naturalists

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SUMMARY OF SUBMISSION:

This submission strongly supports the Proposed Plan but is concerned that the area covered is substantially less than that covered by the Preliminary Proposals.

RECOMMENDATION:

None.

REASONS:

This submission indicates general support for the Proposed Plan and requires no further comment.

FILE NO. G 700-7

SUBMISSION NO. 135

AGENT: John Dean

GROUP: Therafields

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SUMMARY OF SUBMISSION:

This submission supports the objectives of the Proposed Plan and suggests that wayside pits should not be a permitted use in the Escarpment Protection Areas. Implementation of the Plan should be delegated to all municipalities that have an official plan in effect. All applicants for development permits should be allowed to speak at hearings when their application is being considered.

RECOMMENDATION:

None.

REASONS:

This submission was generally in support of the Proposed Plan and also covered some alleged deficiencies in the Plan. We have attempted to answer these problems in our recommendations, comments and reasons in the general section of this report.

AGENT: Rae Patterson, President

GROUP: Sydenham Sportsmen's Association

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SUMMARY OF SUBMISSION:

This submission endorses sound conservation practices and the speaker states that the goals of the Association are consistent in this regard with those of the Niagara Escarpment Commission. He specifically referred to the large acreages marked for acquisition as parkland and wants hunting as a permitted use on much of these lands.

RECOMMENDATION:

None.

REASONS:

This submission is in general support of the Proposed Plan and the specific request in this submission is beyond our jurisdiction since in our opinion it is requesting a review of hunting regulations in much of the Province and not only for the area covered by the Proposed Plan.



FILE NO. G 700-65

SUBMISSION NO. 137

OWNER: Gordon M. Bothwell

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SUMMARY OF SUBMISSION:

This submission is in complete opposition to the Proposed Plan.

RECOMMENDATION:

- None.

REASONS:

Submission is much too negative to comment upon or to make any recommendation on it.

FILE NO. G 700-31

SUBMISSION NO. 138

OWNER: Hubert Cheshire

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SUMMARY OF SUBMISSION:

This submission is in complete opposition to the whole Proposed Plan.

RECOMMENDATION:

- None.

REASONS:

Submission is much too negative to comment upon or to make any recommendation on it.

FILE NO. G 700-141

SUBMISSION NO. 139

AGENT: Charles Sauriol

GROUP: Nature Conservancy of Canada

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SUMMARY OF SUBMISSION:

While this submission was interesting insofar as it outlined the Nature Conservancy of Canada's history it offered no statement either in support of or opposition to the Proposed Plan.

RECOMMENDATION:

None.

REASONS:

Submission is much too negative to comment upon or to make any recommendation on it.

AGENT: Donald Scott, Planning Director

GROUP: County of Bruce

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SUMMARY OF SUBMISSION:

The County recognizes the Niagara Escarpment as a unique resource that must be safeguarded and that the Province should have an active role in its future planning and development. Although the County has certain concerns with the Proposed Plan it is generally acceptable. Some of the matters raised are listed below:

Specific Comments on Part 2 - Land Use Policies

The following discussion on the various sections of the Proposed Plan will include those areas which the County feels need to be modified, added to or deleted.

1. Escarpment Natural Areas, Section 2.2

Escarpment Protection Areas, Section 2.3

The criteria for designation of Escarpment Natural and Escarpment Protection Areas along the Niagara Escarpment should include a provision for areas that could be made into Escarpment Natural and Escarpment Protection Areas through reforestation or other means. Although these areas may not now be acceptable, with respect to the terms of reference, certain areas could be rehabilitated, e.g. abandoned quarries that form an integral part of the Escarpment Natural or Escarpment Protection Areas.

The Escarpment Protection Area section should contain a severance and lot creation policy similar to the Escarpment Rural Areas. The Escarpment Natural Area section should permit at least one lot being created on a 40 hectare parcel.

2. Escarpment Rural Areas, Section 2.4

It is the opinion of the County of Bruce that there is not sufficient protection for aggregate resources or future aggregate resources in the Escarpment Rural Areas. Areas that have aggregate potential should be identified. These areas should also be protected from the intrusion of incompatible uses such as residential and commercial developments. A rational and environmentally sensitive mining and rehabilitation policy for aggregate resources should be incorporated into the Plan.

3. Mineral Resource Areas, Section 2.8

This section should indicate a number of permitted uses in the Mineral Resource Area which would include pits, quarries, farms, public uses and recreation areas, e.g. those uses which are compatible to present mining operations and would not interfere with the development of the resource. These non-aggregate uses could take place prior to the area being mined or as an appropriate means of rehabilitation.

The policy in the aggregate resources section pertaining to adjustment of existing quarry licences needs considerable review. When a quarry licence is adjusted by the Niagara Escarpment Commission in consultation with the Ministry of Natural Resources, these licences should not be altered to such an extent that the existing pit is rendered uneconomic.

4. Existing Uses, Section 2.9.1

The County of Bruce is in favour of an alteration to this section to indicate that an individual may rebuild a non-conforming use in a more compatible location and a more compatible building style. This may be intended but should be clarified.

5. Development on Existing Lots, Section 2.9.2

- (a) Subsection 2 should be altered to make it perfectly clear "thata lot is or could be made" to meet relevant municipal health and servicing requirements. It should be noted also that any development occurring on existing lots should not occur unless consideration is given to the Agricultural Code of Practice. "Servicing Requirements" in subsection (d) should not include the requirement for a minimum road access. This change is required because the development control approach does not appear to allow for minor deviations such as can be handled through the Committee of Adjustment for a lot that does not meet municipal standards.

- (b) New Development Use in Streams, Lakes and Wetlands, Section 2.9.4

New development adjacent to lakes, streams and wetlands should contain a policy which exempts existing lots in order that they may have a reduction from the 30 metre setback requirements established in the Plan if deemed appropriate.

- (c) Escarpment Recreation Areas, Section 2.9.12

The second paragraph of this section should be removed and a policy introduced which is more in keeping with the principle of cluster development. As can be seen from the schedule to the Proposed Plan, future linear development has effectively been curtailed as this designation reflects only existing developments in the County of Bruce. Although subsection 2 is designed to encourage backlot development, the 200 metre maximum setback from the high water mark effectively stops any clusters or group recreational development. This section should be amended to read as follows:

"Lakeshore cottage areas may extend inland to



permit new development in a planned group manner provided that the development is in harmony with the Escarpment Natural Areas designation."

6. Relationship to Local Official Plans and By-laws,  
Section 2.10.1

The County of Bruce would like to suggest that where local severance policies or land use policies are more stringent than the Niagara Escarpment Plan, local policies would apply and be deemed to be in conformity with the Niagara Escarpment Plan.

An amendment should be made to permit studies to be undertaken to amend the Niagara Escarpment Plan or local plan and such studies would not constitute a contravention of the Plan.

Paragraph 3 should be altered to read: "Grants shall be made to municipalities...."

7. Land Use Control Implementation, Section 2.10.2

This particular section of the Proposed Plan is very sketchy and refers to an implementing body as either a County, a Region, a City, the Niagara Escarpment Commission or the Minister depending on the delegation made for any particular area. This critical aspect of the Plan needs total reconsideration. It is the opinion of the County of Bruce that this Plan for a number of reasons can only be implemented by one overall administrative body. The Plan is somewhat vague in many areas and relies on the implementing body to make certain interpretations.

Should the Plan be implemented by upwards of ten jurisdictions, an adequate setback from a ravine for example, will result in at least ten variations of an 'adequate' setback. To allow the Plan to be administered by anything other than an overall body will render much of the Plan virtually useless. The end result will be that when the Plan is up for review in five years any

body appointed at that time will have extreme difficulty in preparing an update as they will be in no better position than the Niagara Escarpment Commission was when it was initially formed in 1973.

It is also the opinion of the County of Bruce that should the Niagara Escarpment Plan be administered by a Provincial agency, the Province would then be under more obligation to acquire lands on which they prohibit development.

8. Amendments to the Plan, Section 2.10.3

The Proposed Plan notes that amendments to the Niagara Escarpment Plan will be handled under Section 12 of Bill 129. Section 12 states that all amendments will be processed in the same manner as the Plan received approval. This rather lengthy and cumbersome procedure should be reviewed and the system simplified and abbreviated especially for minor alterations to the Plan.

Specific Comments on Part 3 - Parks and Acquisition

1. The County of Bruce supports the Proposed Plan with respect to a park system and is in general support of the Bruce Trail policy. It is understood, however that development of the Bruce Trail will not be forced on property owners and the routing method for the trail should in instances be returned to the former handshake agreement.

2. Provincial Parks Grants, Section 3.4

This section contains the following:

"Because of the high proportions of some townships that will be taken up by parks, the present grants in lieu of taxes should be reviewed." This statement is definitely not strong enough. The County is of the firm opinion that this section should state that the parks system

will be an approved Provincial parks system including all Provincial and conservation lands within the Planning Area and qualify under the *Provincial Parks Municipal Tax Assistance Act*.

3. Role of the Ministry of Natural Resources, Section 3.5

A clause should be added to require the Ministry of Natural Resources to develop all roads and maintain existing roads within the designated Park Systems.

4. Government Acquisition, Sections 3.4 to 3.7

The success of the Plan for the Niagara Escarpment will be dependant, to considerable degree, upon a realistic acquisition policy that is fully supported by the Provincial Government.

The County of Bruce supports the acquisition program as outlined in the Proposed Plan and requests that adequate funds be made available for prompt acquisition of lands when they become available.

The County of Bruce is concerned however that the Proposed Plan will be used to lower property values as has been the case in certain instances in the past.

Specific Recommendations on Part 4 - General Recommendations

1. Development Control - Notification of Decisions, Section 4.1.7

The County of Bruce is opposed to the paragraph in this section which states that the names of all persons requesting notification should be given the right to appeal. This particular policy is too wide ranging and could become unwieldly as any individual or group in the Province could request to be notified of every application and appeal every development permit. An alteration is required which would require notice and the right to appeal only to people within 400 feet, pertinent Government Agencies, and Municipalities and

their Boards or Commissions.

2. Development Control - Appeals, Section 4.1.8

With respect to development control appeals, County Council supports the concept of delegating this responsibility to a division of the Ontario Municipal Board.

3. Recommendations on Implementation, Section 4.1.9

Subsection (f) of Section 4.1.9 should also be amended to indicate that the people appealing have a definite interest in land within 400 feet or have convinced the Municipality, Board or Commission to appeal the permit.

It is suggested that subsection (e) be altered somewhat, in that not only the municipality in which the application is being considered be notified, but municipalities adjoining it and within not only 400 feet, but possibly one kilometre distance, of the application.

With respect to notification of development permit applications, it should be clarified that Planning Boards or Commissions either in the effected municipality or in an adjacent municipality should be notified of all applications and given the right to appeal.

4. Conservation Authorities and Recreation, Section 4.4

It is felt that the agreements for the development, maintenance and management of parks noted in subsection (b) should not be limited to Conservation Authorities but expanded to include local municipalities and in certain instances, the private sector. This section should also contain a policy statement on the payment of local taxes. The fact that Conservation Authorities are required to pay municipal taxes seriously hampers their development and management programs. The Plan should be amended to indicate that the Province will



pay all taxes for Conservation Authority parks within the approved Niagara Escarpment Park System.

5. Recommendations of Mineral Resources, Section 4.15.1  
The County of Bruce is in support of the concept contained in Section 4.15.1 that the Escarpment Natural Areas and Escarpment Protection Areas should now form the revised pits and quarries restrictive zone except for wayside pits occurring in the Escarpment Protection Areas.  
The Bruce County Council is also in support of the concept of funds being available for rehabilitation of abandoned pits and quarries which have been obtained from Escarpment operators being used for rehabilitation of abandoned sites in the Escarpment area before they are used elsewhere.

#### Conclusion

In summary, the County of Bruce would like to endorse the Proposed Plan but would express concern over the following major issues:

1. The Proposed Plan and eventually "The Plan" should not be used to lower property values for the sake of public acquisition.
2. There are too many policies or statements in the Proposed Plan which are of a "motherhood" nature and could and would be subject to a wide range of interpretation, if the Plan is administered by Regions, Counties and Cities. One central administration for key portions of the Escarpment or indeed the entire revised Planning Area is a definite requirement. Opponents to this view simply do not understand how the present system works.
3. The parks system must be recognized as a Provincial system and permit the municipalities to qualify under

a more adequate structure of grants in lieu of taxes.

RECOMMENDATION:

None.

REASONS:

This submission was generally in support of the Proposed Plan and also covered some alleged deficiencies in the Plan. We have attempted to answer many of the problems set out in this submission in our recommendations, comments and reasons in the general section of this report.



AGENT: Roger Martin, Resource Manager

GROUP: North Grey and Sauble Valley Conservation Authority

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SUMMARY OF SUBMISSION:

Although the authority agrees with the Proposed Plan generally there were certain points which they recommend be changed:

1. Section 2.9.9 - Forest Management:  
In view of certain ongoing activities they recommend that tree cutting for the purpose of wildlife management should be included among the exemptions in Section 2.9.9 (1).
2. Section 3.2.3 - Park Classification:  
Feel that the Ontario Provincial Parks Manual may present difficulties because hunting is not permitted in Provincial Parks whereas hunting is permitted on most Authority lands other than intensive recreational areas.
3. Section 3.2.4 - Guidelines for Park Master Plans:  
Because Authorities are autonomous bodies their lands are not part of the Provincial Parks System and should be required only to conform to the intent of park classification and not strictly to the policies. For instance where permitted uses are not compatible with classifications then the classification should prevail.
4. Section 3.4 - Future Acquisition:  
In order to implement the expansion of holdings by the Authority higher grants for development and maintenance will be necessary.
5. Section 3.7 - Proposed and Existing Escarpment Parks:  
If proposed Nature Reserve Parks do not allow managed

tree cutting management costs will accrue and the Province will have to take over these costs.

6. Section 4.4.1 - Recommendations on Conservation Authorities and Recreation:  
Reduced role by Authorities in providing recreation and could run contra to expanded role proposed in the Plan.

Shared management of existing parks with the Ministry of Natural Resources could cause problems at senior administrative levels.

No policy now to acquire lands exclusively for the Bruce Trail.

If acquisition policies go beyond the normal scope of an Authority then the grant should be 100% of the cost. Unless grants which have been cut to 50% are restored to at least the 75% level there is little incentive to acquire anything other than the most essential.

RECOMMENDATION:

None.

REASONS:

This submission was generally in support of the Proposed Plan and also covered some alleged deficiencies in the Plan. We have attempted to answer many of the problems set out in this submission in our recommendations, comments and reasons in the general section of this report.

OWNER: Norman E. Seabrook

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SUMMARY OF SUBMISSION:

The submission is in opposition not only to the Proposed Plan, but also the *Niagara Escarpment Planning and Development Act* that created it. Any planning decisions to take place regarding the Escarpment should be taken by local persons in the various areas of the Escarpment rather than by authorities at other Provincial levels. Conservation and preservation of the Escarpment, including the existence of the Bruce Trail has over the years been made possible by the owners on the Escarpment, and much of this including the Bruce Trail is endangered because of outside intervention. Opposition is taken to park proposals in this time of rising costs. It is alleged that the intent to have a substantially continuous Escarpment is really to accommodate a Bruce Trail upon its length. Development control, the submission contends, is totally unfair, and takes away many of the rights of owners and makes Escarpment owners subject to more stringent conditions than other Ontario owners. The formation of the Niagara Escarpment Commission is assailed for its composition as are the Advisory Committees. The submission questions the hearing process for the Proposed Plan since it is not a decision making report but only recommendatory.

The speaker favours the preservation of the Escarpment with reasonable guidelines planned at the local level to avoid depreciation of property values and permit development to support the tax base. Agriculture should not be retarded, interfered with or hampered in any way. Recreation should play a major role and under the auspices of private enterprise. If the Escarpment is to be subject to the controls proposed for all the people of Ontario then society should pay for the land.

RECOMMENDATION:

None.

REASONS:

This submission indicates general opposition to the Proposed Plan and requires no further comment.

OWNER: Dr. Robert Payne

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SUMMARY OF SUBMISSION:

This individual presented a paper on the Proposed Plan and while he felt it was a good Plan and supported it, he had some reservations. He looked at the Plan from three aspects: the first one is as an educator, the second as a Bruce Trailer, and thirdly as an occasional user of the resources of the Escarpment.

He feels that essential transportation and utility facilities should be excluded from Escarpment Natural Areas as well as Escarpment Protection Areas.

Mineral Resource Areas should be subject to the *Environmental Assessment Act*, 1975.

Insure that forest management plans do not adversely affect physical and cultural features.

Make sure that recreation activities do not exceed the carrying capacity of the site.

Fears that the Ministry of Natural Resources may have difficulty in carrying out its role with respect to parks because of budget.

There should be shared responsibility for the Bruce Trail where the trail crosses either Ministry of Natural Resources lands or Conservation Authority lands.

He feels that the Provincial Secretary for Resources Development should be the overall authority of the Plan. In addition he advocates that the *Environmental Assessment Act*, 1975 take precedence over *The Planning Act* except in urban designations. In the case of the Parks System he advocated a Parks Advisory Committee be established.

He contends the main weakness of the Plan is the implementation

stage.

RECOMMENDATION:

None.

REASONS:

This submission was generally in support of the Proposed Plan and also covered some alleged deficiencies in the Plan. We have attempted to answer these problems in our recommendations, comments and reasons in the general section of this report.



FILE NO. G 700-50

SUBMISSION NO. 144

AGENT: Al Clark

GROUP: Bruce Peninsula Protection Association

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SUMMARY OF SUBMISSION:

The submission is really aimed at the rescinding of Bill 129 but it was explained that the Association had an alternative it wanted considered which would eliminate the objectionable aspects of said Bill.

A careful consideration of the submission made it clear that the proposal constitutes in effect a recommendation for several changes in *The Niagara Escarpment Planning and Development Act* itself.

RECOMMENDATION:

None.

REASONS:

Submission is much too negative to comment upon or to make any recommendation on it.

FILE NO. G 700-34

SUBMISSION NO. 145

OWNER: Alex Johnson

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SUMMARY OF SUBMISSION:

This gentleman is a fourth generation farmer who lives in the Township of Keppel, whose oral presentation can best be summarized by saying that he is completely opposed to the Plan.

RECOMMENDATION:

None.

REASONS:

Submission is much too negative to comment upon or to make any recommendation on it.

AGENT: Al Clark

GROUP: Bruce Peninsula Sportsman's Association

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SUMMARY OF SUBMISSION:

The submission contends the Proposed Plan is unnecessary. Wildlife and fisheries management should be the sole jurisdiction of the Ministry of Natural Resources, without the Niagara Escarpment Proposed Plan intervention. It would appear that the thrust here is that the above Ministry is more capable of dealing with wildlife and fishery management and their relationship to sportsmen's organizations than would another level of Government.

Concern is expressed at the proposed acquisition of additional parks particularly with the energy crisis and possible lower usage of the facilities. Objection is taken to any reduction proposed in the Plan of hunting or fishing amenities presently enjoyed.

EXHIBIT:

104. Motion by Township of Albemarle Council dated February 4, 1980 (endorses the appeals of property owners within the municipality to have the Niagara Escarpment Commission's imposed land use designations removed from their properties).

RECOMMENDATION:

None.

REASONS:

Submission is much too negative to comment upon or to make any recommendation on it.

OWNER: G. William Caulfield-Browne

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SUMMARY OF SUBMISSION:

This gentleman feels that the Escarpment must be preserved and regulated for all in the Province. He strongly endorses the Proposed Plan although his property in the Township of St. Edmunds is not involved with the Plan. He advocates that the aggregate industry should have their operations restricted. Supports the idea of hiking (Bruce Trail) as better than scenic drives because of the energy problem.

Two areas of concern were raised. The first was the reduction of the area of the Plan and that there should be no further reductions. The second, the establishment of a strong central body to administer the Plan at Queen's Park.

RECOMMENDATION:

None.

REASONS:

This submission was generally in support of the Proposed Plan and also covered some alleged deficiencies in the Plan. We have attempted to answer these problems in our recommendations, comments and reasons in the general section of this report.

COUNSEL: Geoffrey T. Mullin

GROUP: Township of Mulmur

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SUMMARY OF SUBMISSION:

Ross Raymond, a qualified planner, with considerable municipal planning experience, gave evidence in support of the Township's position. Mr. Raymond pointed out that over a long period of time the local people expended considerable time and effort in drafting a new official plan. First of all, it is quite clear that many of the difficulties which arose resulted from the fact that a substantial portion of the Escarpment is buried in this Township. One of the main difficulties, according to Mr. Raymond, is that provisions in the Proposed Plan conflict with the agricultural operations now being carried on and it is his opinion that agriculture is not one of the main concerns of the Niagara Escarpment Commission. He dealt with his concerns under seven main headings, and these are as follows:

1. The effect on agriculture on lands within the Plan.
2. The principle of development control and appeals.
3. The matter of land acquisition.
4. Grants in lieu of taxes.
5. Mineral resources.
6. The Bruce Trail.
7. The size of the Planning Area.

The Plan has substituted recreational uses and conservation for agriculture uses and in doing so has removed freedom of action for farmers. In spite of the fact that the area covered by the Plan was reduced it is still too large in this Township. It is proposed that in areas which are actively farmed they should be removed from the Plan and released to local jurisdiction or revise

the rural policies. In the case of existing uses they should be more clearly defined in the Plan and some attempt should be made to define compatible uses. Mr. Raymond feels that zoning should be used to implement the Plan. This Township also takes the position that the appeal procedure is too wide and should be a local matter. In view of the fact that the Township of Mulmur has a good potential for future aggregate extraction these areas must be clearly defined in the Plan in order that they can be protected for the future.

It is Mr. Raymond's view that in farming areas unless the land is publicly owned that the Bruce Trail should be confined to the roads.

Other points raised were related to the acquisition policies not being clearly set out and that there may be difficulties with grants in lieu of taxes in the future.

It was Mr. Raymond's opinion that in the wording of the *Niagara Escarpment Planning and Development Act* that substantially continuous does not mean absolutely continuous.

It can be generally concluded that in the opinion of this witness that the proposed Escarpment Rural Areas designation in the Plan can do damage to existing farmlands because farming is not a maintenance operation.

RECOMMENDATION:

None.

REASONS:

These matters are dealt with in recommendations, comments and reasons in the general section of this report.



OWNER: Harold Davidson

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SUMMARY OF SUBMISSION:

The submission contends that the Proposed Niagara Escarpment Plan is too much recreation oriented with agriculture and development relegated to minor roles and with too much emphasis on fish, flowers and trees. While agreeing many development permits are presently being granted by the Commission he fears that once the Plan is approved the flow will be reduced.

The speaker believes the Escarpment where it is buried requires no further protection, except perhaps for the places where outcroppings occur. The private property owner has done better in preserving parks than the public will do if greater access is given them, and vandalism will be inevitable. Uncertainty of development control has interfered with property values and certain sales. There is agreement on the need for tourism and development particularly in the northern sector of the Escarpment. Development control is not satisfactory and the zoning method of land use should prevail with implementation by the municipalities. Each municipality should have access to gravel within its confines to reduce costs and pits should be rehabilitated. Exception is taken to certain of the sections in the Plan where the Commission has recommended arbitrary powers regarding imposition of unstated criteria, etc.

RECOMMENDATION:

None.

REASONS:

This submission is of a general nature and recourse should be had to the recommendations, comments and reasons in the general section of this report.

COUNSEL: Geoffrey T. Mullin

GROUP: Township of Mono

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SUMMARY OF SUBMISSION:

Mr. Mullin called James Pinhay, Chairman of the local Planning Board and George Reid, Reeve of the Township of Mono, to give evidence on behalf of the Township.

The Township is in full accord with the objectives of the Niagara Escarpment Commission but because 40% of the municipality will be in the Proposed Plan, they are concerned with the loss of local land use control. It is their contention that because they have the necessary controls locally that the jurisdiction of the Niagara Escarpment Commission should extend only to the Escarpment Natural Areas and the Escarpment Protection Areas. The Township feels that both in the Escarpment Natural Areas and Escarpment Protection Areas there should be more provision for severances. In the case of certain hamlets, such as Mono Mills, being designated as a Minor Urban Centre there would be difficulty in expansion because of the surrounding Escarpment Protection Area. The Hockley Valley Ski Area because of soil characteristics should be controlled locally and no residential development should be allowed. Again in the case of mineral extraction it is felt that the local Council must have ultimate control. The Township feels through its Council that control of land use should be through zoning by-laws in the area of the Plan.

In the event that a central control body is maintained, the jurisdiction of the authority should be confined to the lands owned by the Province.

Another aspect of a problem in this Township was raised by the Reeve in his presentation and that is that the Escarpment is not a prominent feature in Mono and illustrated this point with a slide

presentation showing some of the rock outcroppings.

RECOMMENDATION:

None.

REASONS:

This submission was generally in support of the Proposed Plan and also covered some alleged deficiencies in the Plan. We have attempted to answer many of the problems set out in this submission in our recommendations, comments and reasons in the general section of this report.

AGENTS: Dr. James White, George Shepherd and Dave Hindson

GROUP: Niagara Escarpment Central Ratepayers Association

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SUMMARY OF SUBMISSION:

This submission consisted of three separate submissions presented by the above named and while lengthy may be summarized as follows:

1. The Commission revise the Plan to place less emphasis on recreation and environmental concerns and more emphasis on economic and social concerns as required in 1.6 of the *Niagara Escarpment Planning and Development Act*.
2. The Commission undertake and give recognition to appropriate studies on land resources, agriculture, the economies of the various municipalities or regions and the cost to landowners of their proposals.
3. The Commission recognize that the Niagara Escarpment is not a continuous landform and that the Plan need not cover all the area now included. The Planning Area is substantially larger, in many areas, than that proposed by Gertler. The Plan should be limited to visible rock outcroppings and land in its area, not exceeding half a mile, unless truly unique environmental characteristics are present.
4. If the Commission insists on a continuous Planning Area they should establish more flexible land use policies. In all areas, more emphasis must be given to farming than has been done. Agriculture and forest production should be given the highest priority.
5. The Commission should reduce the Planning Area so as to minimize the amount of agricultural land included.

Submission No. 151 continued

6. The Commission recognizes that future residential development is essential and that it is impossible to protect both agricultural and recreational lands simultaneously without stopping all future growth. When there is a direct conflict in land use, farming must take priority over recreational uses. Thus additional future housing be allowed on lower class land.
7. The Commission withdraw all reference to viability in future plans because this concept is both inappropriate and extremely difficult to operationalize.
8. The Commission recognize the difficulties of applying the Food Land Guidelines on a piecemeal basis and leave their application to the local municipalities.
9. The Commission accept that there shall be no restrictions on present or future uses of farm land or farm buildings which do not apply to the remainder of a municipality.
10. The Commission study the demand for parks and adjust the number of proposed parks to better reflect economic conditions likely to exist in the future.
11. The Commission encourage the Government of Ontario to:
  - (a) Give development of existing park reserves a much higher priority.
  - (b) Purchase within twelve months all land designated for acquisition in the revised park schedule (10. above) which the owners wish to sell.
  - (c) Renounce the expropriation of land for any purpose related to the Plan.
  - (d) Rent land in park reserves to farmers on a long term basis, where appropriate.
12. The Commission recommend that the local municipality



be the implementing agency. In those cases where planning support is required, the Niagara Escarpment Commission undertake to underwrite these services by a mutually agreeable system.

13. The Commission renounce all intention to utilize or allow other implementing agencies to utilize development control in the administration of the Plan. This is the single most important recommendation the hearing officers can make to the Commission.
14. The Plan should be expressed with more clarity and in simple language so that the public can understand its meaning.

RECOMMENDATION:

None.

REASONS:

This submission is of a general nature and recourse should be had to the recommendations, comments and reasons in the general section of this report.



FILE NO. G 700-38

SUBMISSION NO. 152

OWNER: Harold M. Forbes

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SUMMARY OF SUBMISSION:

This oral submission was concerned primarily with the delays in approval of the Proposed Plan and the implementation and enforcement of the Plan since Mr. Forbes is of the opinion that there are already enough agencies to deal with concerning development.

RECOMMENDATION:

None.

REASONS:

This submission is much too negative to comment upon or to make any recommendation on it.

FILE NO. G 700-127

SUBMISSION NO. 153

AGENT: Martin Parker, President

GROUP: Saugeen Field Naturalists

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SUMMARY OF SUBMISSION:

This submission was in support of the Proposed Plan and recommends that small wayside pits should be permitted only in the Escarpment Rural Areas and that no additional commercial operations should be permitted.

RECOMMENDATION:

None.

REASONS:

This submission indicates general support for the Proposed Plan and requires no further comment.

AGENTS: Brock Harris and B.W. Vanderbrug  
GROUP: Chairmen's Committee of the Conservation Authorities  
of Ontario

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SUMMARY OF SUBMISSION:

This submission was in general support of the Proposed Plan and in addition made the following recommendations:

1. That all transportation and utility facilities, regardless of land use designation be of an essential nature and subject to the environmental guidelines.
2. That the permitted recreational uses under the Escarpment Protection Area designation be expanded to include, interpretation, camping, scientific, educational and historical developments.
3. That as far as conservation areas are concerned that the land use designations and policies as suggested in the Plan be used as a guide only and that development of conservation areas continue to be in accordance with master plans developed through the existing process.
4. That detailed policies regarding the removal of aggregates from the Escarpment be included in the Plan and that prior to using the three alternative sources for aggregate suggested in the Plan that the social, economic and environmental implications be assessed in detail and that the Plan include a qualifying statement to this effect.
5. That the development criteria be expanded particularly as it related to setbacks and building heights and that

the implementing body be required to obtain a recommendation from the local Conservation Authority prior to giving approval to new developments.

6. That the designation "Areas of Direct Provincial Interest" be deleted from the Plan or that the description of this designation be expanded to clearly define its overall intent.
7. That development on existing lots be permitted only if it meets the current municipal, health and servicing requirements.
8. That the Plan be amended to clearly state that regulations passed by Conservation Authorities take precedence over guidelines and policies in the Plan.
9. That as far as forest management is concerned that new agreements can be entered into without the need of approval by the implementing body as long as the agreement meets the guidelines as outlined in Section 2.9.9.
10. That where the Bruce Trail is on Conservation Authority lands that the Conservation Authority be the enforcement agency.
11. That existing and proposed acquisition by Conservation Authorities along the Niagara Escarpment be recognized as being part of the Niagara Escarpment Parks System and that Provincial subsidies for acquisition and maintenance be set at 75%.
12. That implementation of the Plan to local levels be defined as being either a Region or County.
13. Since the Ministry of Natural Resources is encouraging Conservation Authorities to focus on water management rather than recreation that this possible conflict with parts of the Proposed Plan should be resolved before final approval of the Plan.

14. That the terminology in the Proposed Plan and accompanying maps be checked for consistency.
15. That the procedure for amendments to the Proposed Plan be clearly set out in the Plan.

EXHIBITS:

105. Niagara Escarpment Acquisition Proposal as submitted by the Conservation Authorities of Ontario (Chairmen's Committee) indicating:
  - Ministry of Natural Resources
  - Conservation Areas
  - Ministry of Natural Resources Holdings
  - Existing Conservation Areas

RECOMMENDATION:

None.

REASONS:

This submission was generally in support of the Proposed Plan and also covered some alleged deficiencies in the Plan. We have attempted to answer many of the problems set out in this submission in our recommendations, comments and reasons in the general section of this report.

OWNER: Joseph Lesich

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SUMMARY OF SUBMISSION:

This submission is opposed to both the *Niagara Escarpment Planning and Development Act* and the Proposed Plan and wants all planning to be left at the local level.

RECOMMENDATION:

None.

REASONS:

Submission is much too negative to comment upon or to make any recommendation on it.



FILE NO. G 700-144

SUBMISSION NO. 156

OWNER: Dr. Allan Stone

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SUMMARY OF SUBMISSION:

This submission was in support of the Proposed Plan and would like to see funding for park acquisition increased significantly.

RECOMMENDATION:

None.

REASONS:

This submission indicates general support for the Proposed Plan and requires no further comment.

FILE NO. G 700-103

SUBMISSION NO. 157

OWNER: Robert Leverty

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SUMMARY OF SUBMISSION:

This submission was in support of the Proposed Plan.

RECOMMENDATION:

None.

REASONS:

This submission indicates general support for the Proposed Plan and requires no further comment.

FILE NO. G 700-1

SUBMISSION NO. 158

OWNER: Lloyd Oliver

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SUMMARY OF SUBMISSION:

This submission was in support of the Proposed Plan with particular reference to the aspects affecting the Bruce Trail.

RECOMMENDATION:

None.

REASONS:

This submission indicates general support for the Proposed Plan and requires no further comment.

FILE NO. G 700-68

SUBMISSION NO. 159

OWNER: H. Vincent Elliott

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SUMMARY OF SUBMISSION:

This submission was in general support of the Proposed Plan but was concerned about further development eroding the good intentions of the Plan.

RECOMMENDATION:

None.

REASONS:

This submission indicates general support for the Proposed Plan and requires no further comment.

FILE NO. G 700-76

SUBMISSION NO. 160

AGENT: Dr. John Cartwright

GROUP: McIlwraith Field Naturalists of London Inc.

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SUMMARY OF SUBMISSION:

This submission was in general support of the Proposed Plan but wants the Niagara Escarpment Commission to maintain some form of control or approval over all development in the area of the Proposed Plan.

RECOMMENDATION:

None.

REASONS:

This submission indicates general support for the Proposed Plan and requires no further comment.

AGENT: Dr. Paul F.J. Eagles

GROUP: Some University of Waterloo Students

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SUMMARY OF SUBMISSION:

This submission was a compilation of a number of studies undertaken by students at the University of Waterloo and was in general support of the Proposed Plan although it made several recommendations for improvements in the Plan. Among these recommendations are the following:

1. That motorized vehicles be banned in Escarpment Natural Areas.
2. That golf courses be eliminated as a permitted use in Escarpment Protection Areas.
3. That various impact studies covering environmental, aesthetic, social assessment, carrying capacity, etc. be done for any development.
4. That No. 6 in Section 2.9.11 be reworded as follows:  
"...relocation to a less critical location will be implemented."
5. That No. 7 in Section 2.9.11 be reworded to change the word "should" to "will".
6. That more heritage research be undertaken to insure that no region is overlooked.
7. That no known archaeological sites be altered until studied by a heritage research team.
8. That existing uses in Escarpment Natural Areas be permitted as long as they abide by the intent and policies set out in the Plan.
9. That only one new lot per lot will be created in the



Submission No. 161 continued

Escarpment Protection Areas and no new lots will be created in any forested areas. In open areas lots will only be created by a plan of subdivision or, one lot may be created per existing farm for the use of the immediate family of the farmer and only with some restrictions to avoid its immediate resale.

10. That commercial forestry is to be allowed in Escarpment Protection Areas as long as total species diversity is not decreased.
11. That transportation corridors are to avoid Escarpment Natural Areas. In the other areas the least ecologically damaging route will be selected. An obligatory environmental impact assessment will occur for any proposed corridors.

This submission made several other recommendations which in the opinion of the submitters would tighten up the wording of the Plan to more severely restrict activities in the area of the Proposed Plan.

In addition it was recommended that an elected Niagara Escarpment Council be established to implement and supervise the Plan assisted by an expert advisory group.

EXHIBIT:

106. Curriculum Vitae - Dr. Paul F.J. Eagles

RECOMMENDATION:

None.

REASONS:

This submission was generally in support of the Proposed Plan and also covered some alleged deficiencies in the Plan. We have attempted to answer many of the problems set out in this submission

in our recommendations, comments and reasons in the general section of this report.

FILE NO. G 700-47

SUBMISSION NO. 162

AGENT: Henry Graupner

GROUP: Federation of Ontario Hiking Trail Associations

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SUMMARY OF SUBMISSION:

This submission supported the Proposed Plan with particular reference to the Bruce Trail.

RECOMMENDATION:

None.

REASONS:

This submission indicates general support for the Proposed Plan and requires no further comment.

OWNER: Leonard O. Gertler

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SUMMARY OF SUBMISSION:

This submission was in general support of the Proposed Plan which contained some historical background of his original work.

EXHIBIT:

108. Curriculum Vitae - Leonard O. Gertler

RECOMMENDATION:

None.

REASONS:

This submission indicates general support for the Proposed Plan and requires no further comment.

AGENT: David Lawrence  
GROUP: Canadian Institute of Planners  
Central Ontario Chapter

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SUMMARY OF SUBMISSION:

This submission was in general support of the Proposed Plan and in addition made the following recommendations among others:

1. That the Commission's role in the development permit system be retained until such time as a municipality's official plan is brought into conformity with the Proposed Plan.
2. That the Commission be retained and have an active role in implementation of the Proposed Plan.
3. That changes in the list of Minor Urban Centres be made by formal amendment to the Proposed Plan.
4. That severances in Escarpment Protection Areas not be an automatic right.
5. That development review guidelines be prepared and made part of the Proposed Plan.
6. That a more reasonable procedure for amendment to the Proposed Plan be prepared.

RECOMMENDATION:

None.

REASONS:

This submission was generally in support of the Proposed Plan and also covered some alleged deficiencies in the Plan. We have attempted to answer these problems in our recommendations, comments and reasons in the general section of this report.

FILE NO. G 700-22

SUBMISSION NO. 165

OWNER: Mrs. Margaret Quinton

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SUMMARY OF SUBMISSION:

This submission stated that consideration should be given to totally rewriting the *Niagara Escarpment Planning and Development Act* and returning control and planning to the local municipalities.

RECOMMENDATION:

None.

REASONS:

Submission is much too negative to comment upon or to make any recommendation on it.



FILE NO. G 700-43

SUBMISSION NO. 166

OWNER: Mrs. Irene Potter

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SUMMARY OF SUBMISSION:

This submission was to the effect that the submittor's property be removed from the Plan since in her opinion there is no benefit accruing to her.

RECOMMENDATION:

None.

REASONS:

Submission is much too negative to comment upon or to make any recommendation on it.

OWNER: Gordon Thompson

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SUMMARY OF SUBMISSION:

This submission dealt primarily with the Bruce Trail aspects of the Proposed Plan and recommends that the Bruce Trail corridor be designated as a Nature Reserve Park and further suggests that detailed regulations be set out in the Plan for the use and operation of the Bruce Trail. It further suggests that it be spelled out who is administratively responsible for the Niagara Escarpment Parks Plan.

RECOMMENDATION:

None.

REASONS:

This submission was generally in support of the Proposed Plan and also covered some alleged deficiencies in the Plan. We have attempted to answer these problems in our recommendations, comments and reasons in the general section of this report.

FILE NO. G 700-24

SUBMISSION NO. 168

OWNER: Robert C. Thompson

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SUMMARY OF SUBMISSION:

This submission was in complete opposition not only to the Proposed Plan but the *Niagara Escarpment Planning and Development Act* as well.

RECOMMENDATION:

None.

REASONS:

Submission is much too negative to comment upon or to make any recommendation on it.

AGENT: John F.B. Maher

GROUP: Canadian Society of Environmental Biologists  
Ontario Chapter

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SUMMARY OF SUBMISSION:

This submission was in general support of the Proposed Plan but as far as mineral extraction is concerned recommends that there be no new licensed areas in Escarpment Rural Areas and that no new wayside pits be allowed in Escarpment Protection Areas and that existing licences in both the Escarpment Protection and Escarpment Natural Areas be phased out over the next five years.

RECOMMENDATION:

None.

REASONS:

This submission was generally in support of the Proposed Plan and also covered some alleged deficiencies in the Plan. We have attempted to answer these problems in our recommendations, comments and reasons in the general section of this report.

FILE NO. G 700-56

SUBMISSION NO. 170

AGENT: Edward Neelands, Councillor

GROUP: Township of Holland

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SUMMARY OF SUBMISSION:

This submission was one of complete opposition to the Proposed Plan and its enabling legislation.

RECOMMENDATION:

None.

REASONS:

Submission is much too negative to comment upon or to make any recommendation on it.

AGENT: George Weider

GROUP: Blue Mountain Resorts Limited &amp; Craigleith Development Limit

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SUMMARY OF SUBMISSION:

The brief in general supports the Proposed Plan but has some concerns as to its implementation. In Escarpment Recreation Areas it is felt development control should prevail. In situations dealing with housing as it concerns the subject holdings it should be supplemented by zoning. Zoning should be the planning tool used to regulate the village core proposed for the foot of the Blue Mountain and not development control. Residential development associated with the village core as defined in the Craigleith-Camperdown Secondary Plan should also proceed by zoning.

In the areas of the Plan in the County of Grey, the County should administer development control and/or zoning. Appeal procedures before hearing officers appointed by the Minister as is presently the case is endorsed. The Ontario Municipal Board is acceptable conditionally as an alternative. Objection is taken to extensions of field of notice regarding decisions or permit applications except for notice to municipalities. When the Plan is approved, Provincial monitoring should continue.

EXHIBITS:

109. Economic Impact of the South Georgian Bay Ski Resort Industry by J. Bruce Morgan, University of Waterloo (1980).
110. Craigleith-Camperdown Area Secondary Plan  
Craigleith Village Core Area Concept Plan  
August, 1979  
Prepared by: Knox Martin Kretch Ltd., Bramalea, Ontario



RECOMMENDATION:

None.

REASONS:

This submission was generally in support of the Proposed Plan and also covered some alleged deficiencies in the Plan. We have attempted to answer these problems in our recommendations, comments and reasons in the general section of this report.

FILE NO. G 700-66

SUBMISSION NO. 172

AGENT: John R. Poste, President

GROUP: Blue Mountains Bruce Trail Club

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SUMMARY OF SUBMISSION:

The submission approves in principle the Niagara Escarpment Commission's Proposed Plan. Agreement is stated with this Plan's proposal for land acquisition as it becomes available and suggests funding for such be made available beyond the five years contemplated.

RECOMMENDATION:

None.

REASONS:

This submission indicates general support for the Proposed Plan and requires no further comment.

FILE NO. G 700-93

SUBMISSION NO. 173

OWNER: Richard C. Jones

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SUMMARY OF SUBMISSION:

The submission is in opposition to Section 2.9.9 of the Proposed Plan as it precludes farm management of forests. Opposition is taken to the restriction on tree cutting. This owner has a parcel of land that he would like to log and has regarded its logging potential as being in lieu of a pension fund and fears the provisions of the Proposed Plan will defeat his objective.

RECOMMENDATION:

None.

REASONS:

This matter is dealt with in recommendations, comments and reasons in general section of this report.

FILE NO. G 700-61

SUBMISSION NO. 174

OWNER: Donald Abernethy

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SUMMARY OF SUBMISSION:

The brief by the above is in complete opposition to the Proposed Plan and the *Niagara Escarpment Planning and Development Act* which created it.

RECOMMENDATION:

None.

REASONS:

Submission is much too negative to comment upon or to make any recommendation on it.

FILE NO. G 700-134

SUBMISSION NO. 175

COUNSEL: Grace Patterson

GROUP: Canadian Environmental Law Association

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SUMMARY OF SUBMISSION:

The above Association through its legal counsel adduced evidence by Professor Ian L. McHarg an authority on landscape architecture and land use planning. His extensive qualifications are listed in his curriculum vitae entered as Exhibit 111. He was in support of the Proposed Plan and outlined the procedures that should be invoked in its preparation and expressed concurrence with the methodology used by the Niagara Escarpment Commission in drawing the Proposed Plan. The professor is of the opinion that the Escarpment feature exists whether above or below the ground. He assumes that the data reports prepared by the Province for the Proposed Plan are reliable although he did not read other than the titles and expressed his trust in the ability of Canadian universities from whence the Provincial staff may have come. McHarg admitted the Plan got his serious consideration only two days before he arrived at the hearing.

EXHIBIT:

111. Curriculum Vitae - Ian L. McHarg

RECOMMENDATION:

None.

REASONS:

This submission indicates general support for the Proposed Plan and requires no further comment.

AGENT: Ron Jones, President

GROUP: Simcoe County Federation of Agriculture

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SUMMARY OF SUBMISSION:

The submission expresses concern regarding the potential impact of the Niagara Escarpment Commission's Proposed Plan on farmers and farm businesses. It is felt that Section 2.9.7 of the Plan dealing with farm viability, etc. could in final interpretation result in unnecessarily restrictive regulations which could make the farming industry less competitive. In addition the Plan may be too general in its recommendations to accommodate the wide variety of farming operations throughout the Escarpment. Recreation uses should not be placed higher on the list of priorities in the Plan than agriculture. The Provincial program review, of November 1975, recommending some restraints in Provincial Government capital spending on such projects as land acquisition for Escarpment parks is endorsed by the Federation. The Federation does not believe hiking trails are compatible with intensive agriculture and should not be encouraged until many problems now existing are resolved. No Provincial financial assistance should be given for trail purposes.

In summary the Federation prefers abandonment of the Niagara Escarpment Commission's Proposed Plan and land use policy, making it, remain as now, a municipal responsibility.

RECOMMENDATION:

None.

REASONS:

These matters are dealt with in recommendations, comments and reasons in the general section of this report.



COUNSEL: Paul Shaw

GROUP: Township of Nottawasaga

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SUMMARY OF SUBMISSION:

This oral submission was given by Ross Raymond, a planning consultant and made the following recommendations:

1. Re-write the agriculture section to make use of Food Land Guidelines in their entirety.
2. Local official plans must use same land use policies since there should be only one policy applying to a specific piece of land.
3. That the maps be revised to reflect the changes in agriculture sections recommended in No. 1 above.
4. Protective policies should be applied as overlays.
5. Proposed Plan becomes a Provincial policy rather than a plan.
6. Protective policies be handled by development control.
7. Development control in Simcoe and Dufferin Counties should be reverted to local control by forming a new single body.
8. More detailed criteria should be inserted into the Plan in a form which resembles zoning by-laws.
9. Notice of hearings and decisions regarding development control should be limited to immediate neighbours and affected landowners.
10. That the possibility of expropriation be removed from the Plan.
11. That the Bruce Trail be permitted to occupy road allowances and on private lands by agreement only.

EXHIBITS:

112. Report No. 1 to Simcoe County Council from the Planning Committee dated March 25, 1980.
113. Minister's Order (Department of Municipal Affairs) made under *The Planning Act* re: Zoning Order, County of Simcoe, Township of Nottawasaga dated at Toronto on February 20, 1970.
114. Official Plan of the Nottawasaga Planning Area dated September, 1972.
115. Population Chart for the Township of Nottawasaga from 1966 to 1980 (not dated).

RECOMMENDATION:

None.

REASONS:

These matters are dealt with in recommendations, comments and reasons in the general section of this report.

FILE NO. G 700-3

SUBMISSION NO. 178

OWNER: Robert Merritt

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SUMMARY OF SUBMISSION:

This submission is really in opposition to what is considered unreasonable controls by the Proposed Plan. It is unrealistic to have the imposition of the Niagara Escarpment Commission's controls on top of existing municipal planning regulations.

RECOMMENDATION:

None.

REASONS:

This submission indicates general opposition to the Proposed Plan and requires no further comment.

COUNSEL: J. Twohig

GROUP: Property Owners Rights Association

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SUMMARY OF SUBMISSION:

This submission pointed out that the goal of the Proposed Plan is acceptable provided however that "compatible" demands include reasonable residential housing and the protection of the rights of property owners.

The following recommendations or comments were made:

1. Development to be by site plan agreements provided procedures administered by local municipalities.
2. In favour of the concept of the Bruce Trail but does not believe it necessary for the trail to be continuous.
3. All lots of record in existence prior to the approval of the Plan and that conform to local municipal by-laws should be allowed to be developed.
4. That easements for the Bruce Trail not be required as a condition prior to obtaining a building permit (Exhibit 116 was an example wherein one of the conditions imposed by the Niagara Escarpment Commission was that an easement for the Bruce Trail be given prior to development permit approval being given).
5. Section of the Escarpment should be designated Mineral Resource Areas to ensure a long term supply of aggregate material.
6. Provision should be made for the continuous harvesting of private woodlots.
7. Controls should not apply to agricultural lands.

Submission No. 179 continued

8. Lands in the immediate vicinity of the scarp should be made available for development to help relieve the pressure for development on agricultural lands in some areas such as the Niagara Peninsula.

This submission was one of many that was concerned with the procedures used by the Niagara Escarpment Commission in approving or not approving development permit applications in that an applicant is not allowed to make representations at the Commission meeting considering his/her application.

EXHIBITS:

116. Niagara Escarpment Commission letter dated April 6, 1976 re development control application 174/N/R/75/249, George H. Culp, Township of Lincoln.
117. Report of the Hearing Officers, Parkway Belt West, February 1977.

RECOMMENDATION:

None.

REASONS:

This submission was generally in support of the objectives of the Proposed Plan but clearly objects to the manner in which these objectives are being met. We have attempted to answer this in our recommendations, comments and reasons in the general section of this report.

OWNER: Robert Campbell

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SUMMARY OF SUBMISSION:

This submission is in opposition to the restrictions proposed in the Niagara Escarpment Commission's Proposed Plan. If private lands are to be regulated for the benefit of others then the owners should be compensated. The powers now being exercised by the Commission should be limited to providing advice to local planning boards. Existing Provincial boards are quite capable of continuing their present functions re housing, forestry, etc. without intervention of the Niagara Escarpment Commission.

RECOMMENDATION:

None.

REASONS:

This submission indicates general opposition to the Proposed Plan and requires no further comment.



OWNER: Meryl Prange

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SUMMARY OF SUBMISSION:

While this submission supports some of the aims of the Proposed Plan it questions the honesty of the approach to the public made by the Commission. There have been many problems in the processing of development permits and there is resentment at having to make frequent trips to the Niagara Escarpment Commission's office at Clarksburg to have matters resolved. This owner is opposed to the inclusion of condominium and estate type housing where such is permitted in the Plan. The Commission has lost contact with the public, and it should have been composed to a greater extent of people who owned property within the Plan.

RECOMMENDATION:

None.

REASONS:

Submission is much too negative to comment upon or to make any recommendation on it.

FILE NO. G 700-101

SUBMISSION NO. 182

AGENT: Walter Reid, Immediate Past Chairman

GROUP: Sydenham Federation of Agriculture

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SUMMARY OF SUBMISSION:

This submission asked for the total abolishment of the Proposed Plan.

RECOMMENDATION:

None.

REASONS:

This submission indicates general opposition to the Proposed Plan and requires no further comment.

FILE NO. G 700-21

SUBMISSION NO. 183

AGENT: Mrs. Coleen McNichol

OWNER: Frank and Ismay Richardson

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SUMMARY OF SUBMISSION:

This submission was in opposition to the development control system and objected to acquisition of private land by expropriation.

RECOMMENDATION:

None.

REASONS:

Submission is much too negative to comment upon or to make any recommendation on it.

FILE NO. G 700-118

SUBMISSION NO. 184

AGENT: Stewart Hamill

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SUMMARY OF SUBMISSION:

This submission was in full support of the Proposed Plan.

RECOMMENDATION:

None.

REASONS:

This submission indicates general support for the Proposed Plan and requires no further comment.

FILE NO. G 700-108

SUBMISSION NO. 185

AGENT: George Zubek, President

GROUP: Association of Ontario Land Surveyors

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SUMMARY OF SUBMISSION:

The submission expresses concern about the boundaries of the Proposed Plan. Comment is not made on the merits of the Plan, but it is suggested that the method of defining zone boundaries used in the Plan is unsatisfactory and will cause delays and expense to owners when they wish to develop their lands. There is too much discretion in the hands of the Commission in interpretation of the Plan's boundaries.

RECOMMENDATION:

None.

REASONS:

This submission is of a general nature and recourse should be had to the recommendations, comments and reasons in the general section of this report.

FILE NO. G 700-63

SUBMISSION NO. 186

OWNER: Ivan Lemcke

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SUMMARY OF SUBMISSION:

This submission was in opposition to the Proposed Plan and the concern that owners' rights are being taken away.

RECOMMENDATION:

None.

REASONS:

This submission indicates general opposition to the Proposed Plan and requires no further comment.



AGENT: Ralph Davidson

GROUP: Dufferin Federation of Agriculture

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SUMMARY OF SUBMISSION:

This submission was in general support of the Proposed Plan but pointed out four points of concern as follows:

1. Opposed to farms having to be proved "viable".
2. The criteria for development are made meaningless since additional criteria may be employed by the implementing body.
3. It should be made quite clear in the Proposed Plan that expropriation will not be used as a means of acquisition since the *Niagara Escarpment Planning and Development Act* itself provides for expropriation.
4. Classes 1 to 4 of agricultural land now being farmed should be removed from the Proposed Plan.

RECOMMENDATION:

None.

REASONS:

This submission was generally in support of the Proposed Plan and also covered some alleged deficiencies in the Plan. We have attempted to answer these problems in our recommendations, comments and reasons in the general section of this report.

FILE NO. G 700-40

SUBMISSION NO. 188

OWNER: Sam S. Sharpe

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SUMMARY OF SUBMISSION:

This submission wants control returned to local municipalities and is opposed to the Proposed Plan in its entirety.

EXHIBIT:

118. Study for Ontario Real Estate Association  
"Losing Ground", the erosion of property rights  
in Ontario, 1979.

RECOMMENDATION:

None.

REASONS:

This submission indicates general opposition to the Proposed Plan and requires no further comment.

FILE NO. G 700-75

SUBMISSION NO. 189

AGENT: Terry Doxtator

GROUP: Union of Ontario Indians

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SUMMARY OF SUBMISSION:

This submission was concerned with the protection of Indian burial sites and requested that until there is some actual protection of these sites that their locations not be made public.

RECOMMENDATION:

None.

REASONS:

We were assured at the hearing by Ministry of Natural Resources officials that the Ministry will continue to safeguard these sites.

FILE NO. G 700-110

SUBMISSION NO. 190

OWNER: E. Schmutz

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SUMMARY OF SUBMISSION:

This submission was in complete opposition to the Proposed Plan and requested that the Niagara Escarpment Commission be disbanded.

RECOMMENDATION:

None.

REASONS:

This submission indicates general opposition to the Proposed Plan and requires no further comment.

FILE NO. G 700-78

SUBMISSION NO. 191

OWNER: Raymond Bumstead

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SUMMARY OF SUBMISSION:

Mr. Bumstead who is the President of Hare Real Estate in Owen Sound feels that the price of properties in the development control area are being depressed. He cited examples of properties which were difficult to sell. He further stated that prices were so depressed that it would be difficult to arrive at true market value.

RECOMMENDATION:

None.

REASONS:

Submission is much too negative to comment upon or to make any recommendation on it.

AGENT: Paul Maycock, Ph.D.  
GROUP: Ontario Conservation Panel of the  
Canadian International Biological Programme

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SUMMARY OF SUBMISSION:

Dr. Maycock, who is a professor of Botany at the University of Toronto, appeared on behalf of the above named organization. He explained the objectives of the International Geophysical Year which took place in 1957 and the studies and benefits which went into it. He stated that the Ontario Chapter wholeheartedly supports the objectives of the *Niagara Escarpment Planning and Development Act* and the Proposed Plan. Dr. Maycock is concerned with the reduced area of the Plan and feels that the reduction has resulted in the loss of many significant areas. This organization also takes a strong stand against quarries and commercial forestry on the Escarpment. In addition this group insists that the areas proposed for protection remain unchanged and that total protection be afforded this unbelievably valuable and beautiful asset in our Province.

RECOMMENDATION:

None.

REASONS:

This submission indicates general support for the Proposed Plan and requires no further comment.



OWNER: Thomas N. Jones

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SUMMARY OF SUBMISSION:

Mr. Jones who is a resident of the Grey-Bruce area finds the aesthetics of the Escarpment very interesting and feels that many developments now existing have protected the Escarpment. He feels that as a result of the creation of the Commission that local government took a more responsible attitude toward planning. In his opinion the whole process should be handed back to the local people. He also feels that the present system of handling applications for development does not allow a fair hearing.

RECOMMENDATION:

None.

REASONS:

These matters are dealt with in recommendations, comments and reasons in the general section of this report.

OWNER: W.M. Pratt, Q.C.

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SUMMARY OF SUBMISSION:

Mr. Pratt is a lawyer who resides in Listowel but, who owns summer property in the Township of Albemarle and appeared to speak on behalf of his land. It can be safely concluded that Mr. Pratt's opposition is not with the Proposed Plan but rather with the extensive planning area. He expressed the fear that until that area is reduced to fit the Proposed Plan there may be some problem of being included in some political decision.

RECOMMENDATION:

None.

REASONS:

This matter is dealt with in recommendations, comments and reasons in the general section of this report.

FILE NO. G 700-45

SUBMISSION NO. 195

AGENT: Grant Bell

GROUP: Dufferin-Hi-Land Bruce Trail Club

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SUMMARY OF SUBMISSION:

Mr. Bell who is a long time member of the Bruce Trail organization appeared to support the concept of a continuous footpath from Tobermory to the Niagara area. In his opinion the trail should be clearly indicated as it was in the Preliminary Proposals and that route would be acceptable to him. He felt that the best way of securing the trail should be by easements. He stated that it is not desirable to use roads because of the traffic and dust.

RECOMMENDATION:

None.

REASONS:

These matters are dealt with in recommendations, comments and reasons in the general section of this report.

OWNER: Mrs. Muriel Lowcock

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SUMMARY OF SUBMISSION:

Mrs. Lowcock is the current president of the Dufferin-Hi-Lands Bruce Trail Club and simply appeared in support of the position taken by Grant Bell, a spokesman for the Club (Submission 195).

RECOMMENDATION:

None.

REASONS:

This matter is dealt with (see Submission 195) in recommendations, comments and reasons in the general section of this report.

FILE NO. G 700-53

SUBMISSION NO. 197

OWNER: John M. Taylor

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SUMMARY OF SUBMISSION:

Mr. Taylor is the owner of a large 300 acre farm in the Township of Keppel, a large portion of which lies within the boundaries of the Proposed Plan. This gentleman feels that matters would be best left in the hands of the local people. He cited several areas of the Proposed Plan that he did not agree with. He feels that there are sufficient controls in place now under various Provincial agencies and that the Plan would simply impose an additional level of control.

RECOMMENDATION:

None.

REASONS:

This submission indicates general opposition to the Proposed Plan and requires no further comment.

OWNER: Malcolm J. Sanderson

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SUMMARY OF SUBMISSION:

Mr. Sanderson appeared as an interested citizen who enjoys the outdoors and wished to voice his support for the Proposed Plan. He feels that one regulatory agency should be responsible for the whole of the Plan. He also believes that the public good should have precedence over the rights of individuals. He foresees some difficulty with conflicting recreational uses and that the Plan might contain some suggestions on how to control abuses of recreational areas. He suggests that the Province have a "first option" to purchase all land within the Parks System. Mr. Sanderson, who is a member of the Bruce Trail, indicated that "the trail is the Escarpment".

RECOMMENDATION:

None.

REASONS:

This submission indicates general support for the Proposed Plan and requires no further comment.



AGENT: Arthur Timms

GROUP: Conservation Council of Ontario

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SUMMARY OF SUBMISSION:

This Council which is made up of some 36 different Provincial associations have always been supportive of the principle of preserving the Escarpment and supports the Proposed Plan. They do, however, have general concerns about the Plan. The Council feels that significant parts of the planning area remain unprotected. Secondly, it is felt that the implementation procedure is not fully spelled out. There should be a stronger indication by the Government on the matter of funding for acquisition for instance. They also set out six specific topics for consideration:

1. The Council feels that the Province should be involved in the implementation to ensure the preservation of the Provincially significant resource.
2. The Council is not satisfied with the manner in which the Proposed Plan boundaries were established. They feel that some buffer areas are not adequate and the boundaries be extended.
3. It is quite apparent that the Council does not support the Proposed Plan in the matter of aggregate extraction. The existing operations should be phased out over a five year period.
4. The Council endorses the Bruce Trail concept and feels that it should, with Government support, be made a major land management organization.
5. In the case of lots of record the Council does not agree with the Proposed Plan and feels that no development should take place.

6. The Council suggests that to implement the Plan that a modified body similar to the present Commission be formed and charged with the implementation process. It should be empowered even to purchase lands if necessary.

RECOMMENDATION:

None.

REASONS:

This submission was generally in support of the Proposed Plan and also covered some alleged deficiencies in the Plan. We have attempted to answer many of the problems set out in this submission in our recommendations, comments and reasons in the general section of this report.

FILE NO. G 700-70

SUBMISSION NO. 200

AGENT: Miss C. Dallinger

GROUP: University of Toronto Outing Club

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SUMMARY OF SUBMISSION:

This club provides inexpensive outdoor activities to members of the university community. It owns and maintains a chalet in the Kolapore Uplands which provides many outdoor activities. The Club found the Proposed Plan very readable and is pleased with the considerations offered such things as the Bruce Trail and significant natural areas.

One of the minor problem areas raised was the implementation process. The matter of funding is a concern and there should be greater input by the Province not only for acquisition but also maintenance.

The club supports the continuation of the Niagara Escarpment Commission to implement the Plan. The club is strongly opposed to Section 2.9.11, Item 7, which indicates that the Parks Canada Trail Manual be used. They feel that this is not an appropriate manual. Other matters covered in the brief presented covered the Parks System and mineral resources.

RECOMMENDATION:

None.

REASONS:

This submission was generally in support of the Proposed Plan and also covered some alleged deficiencies in the Plan. We have attempted to answer these problems in our recommendations, comments and reasons in the general section of this report.

FILE NO. G 700-23

SUBMISSION NO. 201

AGENT: J. Gavin Warnock

GROUP: Acres Consulting Services Limited

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SUMMARY OF SUBMISSION:

This submission expressed the opinion that since the Niagara Escarpment must be looked at as the source of supply for aggregate for at least the rest of this century that consideration should be given to underground extraction (mining) of aggregate so as to afford a greater protection to the environment.

RECOMMENDATION:

None.

REASONS:

We do not feel that the Plan should deal with methods of extraction.

FILE NO. G 700-88

SUBMISSION NO. 202

OWNER: Walter Scott

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SUMMARY OF SUBMISSION:

This submission was completely opposed to both the *Niagara Escarpment Planning and Development Act* and the Proposed Plan.

RECOMMENDATION:

None.

REASONS:

Submission is much too negative to comment upon or to make any recommendation on it.

FILE NO. G 700-62

SUBMISSION NO. 203

AGENTS: Fred Davenport, James Rodgers, Norman E. Seabrook and  
Joseph Lesich

GROUP: Niagara Escarpment Northern Ratepayers Association

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SUMMARY OF SUBMISSION:

This lengthy submission was designed to show how local people can look after their own affairs and properties and recommended that since the Proposed Plan is unacceptable, unnecessary, and redundant that it be abandoned in its entirety.

RECOMMENDATION:

None.

REASONS:

This submission indicates general opposition to the Proposed Plan and requires no further comment.



FILE NO. G 700-64

SUBMISSION NO. 204

OWNER: Phil McNichol

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SUMMARY OF SUBMISSION:

This submission was in opposition to the Proposed Plan and gave the opinion that the Plan does not properly differentiate between urban and rural.

RECOMMENDATION:

None.

REASONS:

This submission indicates general opposition to the Proposed Plan and requires no further comment.

FILE NO. G 700-125

SUBMISSION NO. 205

OWNER: David Hindson

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SUMMARY OF SUBMISSION:

Although the submission made comments on several aspects of the Proposed Plan it ended with the recommendation that the Plan be rejected in its entirety.

RECOMMENDATION:

None.

REASONS:

This submission indicates general opposition to the Proposed Plan and requires no further comment.

OWNER: J. Ross Raymond

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SUMMARY OF SUBMISSION:

This oral submission may be summed up as follows:

1. Leave regulation of land use to the local municipal zoning by-law in the ordinary process and use development control to protect the Escarpment.
2. Formation of a development control committee composed of representatives of the Townships of Mono, Mulmur, Nottawasaga and Melancthon which would act in a manner similar to a Land Division Committee.
3. Appeals from decisions in No. 2 above, to be made to the Ontario Municipal Board.

EXHIBIT:

119. Charts:

1. Present Planning Process
2. Niagara Escarpment Planning Process
3. Alternative Planning Process for Independent Planning Areas Affected by the Niagara Escarpment Proposed Plan.

RECOMMENDATION:

None.

REASONS:

These matters are dealt with in recommendations, comments and reasons in the general section of this report.

FILE NO. G 700-74

SUBMISSION NO. 207

OWNER: Mrs. Freda Thompson

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SUMMARY OF SUBMISSION:

This submission was in complete opposition to the Proposed Plan.

RECOMMENDATION:

None.

REASONS:

This submission indicates general opposition to the Proposed Plan and requires no further comment.

FILE NO. G 700-142

SUBMISSION NO. 208

OWNER: Malcolm M. Campbell

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SUMMARY OF SUBMISSION:

This submission was in general support of the Proposed Plan but would like to have aggregate extraction phased out from the face of the Escarpment. Strong supporter of the Bruce Trail and it should be continuous. Administration of development control should be turned over to Regional Municipalities where they exist and perhaps some agreement can be worked out with Counties as well.

RECOMMENDATION:

None.

REASONS:

These matters are dealt with in recommendations, comments and reasons in the general section of this report.

FILE NO. G 700-51

SUBMISSION NO. 209

COUNSEL: A.C.R. Whitten

OWNER: Alex Torrie

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SUMMARY OF SUBMISSION:

This submission dealt primarily with suggestions that the Plan be clarified in several sections particularly that it should be expanded to deal with legal problems that may result from the Bruce Trail operation but offered no suggestions as to how this should be accomplished.

RECOMMENDATION:

None.

REASONS:

Submission is much too negative to comment upon or to make any recommendation on it.



FILE NO. G 700-2

SUBMISSION NO. 210

OWNER: Mrs. Freda Bunner

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SUMMARY OF SUBMISSION:

This submission expressed the importance of preserving the Escarpment and was in support of the Proposed Plan.

RECOMMENDATION:

None.

REASONS:

This submission indicates general support for the Proposed Plan and requires no further comment.

AGENTS: Bruce Hillman, Sam Sharpe and William Shannon  
GROUP: Collingwood and District Real Estate Board

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SUMMARY OF SUBMISSION:

Three individuals appeared to speak on behalf of this local real estate organization. One of the witnesses, Bruce Hillman, stated that a previous presentation on behalf of the Ontario Real Estate Board did not truly represent the views of the Board and would be corrected by a letter. William Shannon found no fault with protecting the scarp but felt that the scarp is far too wide. It was also his opinion that the Plan will devalue land prices and that people will simply not purchase property which is located in areas under the Proposed Plan. It appears in this case that some of the material presented related to the Preliminary Proposals and not to the present Proposed Plan.

RECOMMENDATION:

None.

REASONS:

Submission is much too negative to comment upon or to make any recommendation on it.

FILE NO. G 700-5

SUBMISSION NO. 212

AGENT: William Shannon, Vice President

GROUP: Ontario Libertarian Party

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SUMMARY OF SUBMISSION:

The submission is in opposition to any of the controls provided in the Proposed Plan and by the provisions creating the Plan in the *Niagara Escarpment Planning and Development Act*. Such restraints impinge on the ability of an owner to properly control his own land and affects the investment value of property. The speaker emphasized his abhorrence of any type of land use controls and his position taken on behalf of his party goes far beyond opposition to the Proposed Plan alone.

If the people of Ontario want to save the Escarpment then those interested should privately purchase either the lands, or the use of the lands concerning them.

RECOMMENDATION:

None.

REASONS:

This submission indicates general opposition to the Proposed Plan and requires no further comment.

AGENTS: Roy Bullen and James Rodgers

GROUP: Bruce Peninsula Snowmobile Trail Association

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SUMMARY OF SUBMISSION:

Mr. Bullen presented a brief at the hearing which covered the activities of his club and how it operates. He actually did not speak either for or against the Proposed Plan but did say that there should be no Government involvement in their present operation. Mr. Rodgers presented movies to illustrate his point of view.

RECOMMENDATION:

None.

REASONS:

This submission indicates general opposition to the Proposed Plan and requires no further comment.

AGENT: Gordon Rodgers

GROUP: Ministry of Natural Resources

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SUMMARY OF SUBMISSION:

The Ministry of Natural Resources because it is the one Government of Ontario department which is most significantly affected by the Proposed Plan took an appointment and presented its views on the Plan. It is apparent that the Ministry supports the Proposed Plan and believes it to be fundamentally sound but feels that there is room for improvement. The views of the Ministry were presented by Mr. Rodgers, who was assigned the position of Coordinator of the Niagara Escarpment by the Minister and who in turn called qualified witnesses to support the position taken.

There has been a continuing liaison with the Niagara Escarpment Commission from the beginning in 1973 and the Ministry has prepared eleven technical reports on all aspects of Ministry of Natural Resources interests. It is important to note that the Proposed Plan touches on all areas of programs carried out by the Ministry. It is also apparent that many of the criticisms of the early proposals were met within the Proposed Plan but concern still exists with the details of policies and implementation strategies in the Proposed Plan.

It is pointed out that if the Proposed Plan were approved in its present form it would require an expansion of the mandate of the Ministry of Natural Resources, changes in existing policies and also in legislation.

In the presentation, ten separate headings were dealt with and in each case certain recommendations were set forth under the letters A to W. In each case the problem was identified under a heading of "Comment" and the recommendations were then set out. These are as follows:

Recommendation A

The Proposed Plan should state clearly its intended level of application as that of "policy", comparable to the level contained within an official plan; and the contents of the Proposed Plan should reflect this approach.

Recommendation B

Specific guidelines for development or management should be reserved for a series of technical appendices or schedules (e.g. guidelines for park planning and management or mineral resource development).

Recommendation C

The Proposed Plan should contain an explanation of the level of application of the accompanying maps. The Proposed Plan should allow for the adjustment of boundaries based on more detailed data or more precise mapping.

Recommendation D

Earth Science Candidate Nature Reserves and significant geological sites should be given protection through designation as Escarpment Protection and Escarpment Natural Areas.

Recommendation E

The impact (on lands of concern to the Ministry of Natural Resources) of allowing development of lots of record should be the subject of study prior to completion of the final plan.

Recommendation F

The headwater areas of cold water streams and the streams themselves should be included within Escarpment Natural Areas designation.

Recommendation G

The Proposed Plan should clearly explain that the Niagara Escarpment Parks System will consist of parks managed by ten



different agencies (Ministry of Natural Resources, eight Conservation Authorities, and Niagara Parks Commission).

Recommendation H

The organization of a system of parks along the Niagara Escarpment should be the subject of discussion between the Niagara Escarpment Commission, Ministry of Natural Resources, and the Conservation Authorities over the next several months. The aim of these discussions would be to resolve a working relationship acceptable to all parties prior to preparation of a final plan for the Niagara Escarpment.

Recommendation I

Reference to Ontario Provincial Parks policies should be removed.

Recommendation J

A park classification system is an appropriate tool to use in the Niagara Escarpment Parks System. Its definition and application should be the subject of review by all agencies involved. The identification of "parks" in the system with specific classifications will assist the managing agencies in determining appropriate management strategies. We suggest the additional category of "Recreation Area", for those parcels which might not meet the criteria for designation as a "Park".

We further suggest that some of the proposed parks be left as undesignated public land. The sites identified as such in our detailed comments are locations where resource management is the main activity.

Recommendation K

Guidelines for planning and management of each class of park should be prepared and included as appendices to the Plan. These should remain flexible enough to recognize differing mandates and philosophies of the various agencies involved. Special

attention should be given to the Nature Reserve class of parks, where more rigid adherence to a set of guidelines should be a desirable objective.

Recommendation L

The land acquisition program recommended in the Proposed Plan should be the subject of discussion between Niagara Escarpment Commission, Ministry of Natural Resources, and Conservation Authorities. It is possible that we may reach some resolution of the differences between that proposed in the Plan and that approved by the Ministry of Natural Resources and the Conservation Authorities.

Recommendation M

The Proposed Plan recommends a five-year, \$25,000,000 acquisition program which depends entirely on purchase from willing vendors. We recommend that the Niagara Escarpment Commission reconsider this proposal, since the expenditure of this sum over a five-year period may be unrealistic and overly ambitious.

Recommendation N

Sections 2.9.4 and 2.10.2 of the Proposed Plan should acknowledge the role of the Conservation Authorities as implementing agency under the authority of Section 27 of the *Conservation Authorities Act*.

Recommendation O

The role of the Conservation Authorities in the parks system and the relationship proposed between Conservation Authorities and Ministry of Natural Resources should be the subject of discussions between Niagara Escarpment Commission, Conservation Authorities and Ministry of Natural Resources in the near future. The aim of these discussions: to resolve a working relationship acceptable to all parties prior to preparation of the final plan.

Recommendation P

Existing agreements for forest management on public lands

should not be jeopardized by Nature Reserve designation; careful consultation between staff of the Ministry of Natural Resources and the landowners must occur before any forest agreements are changed.

Recommendation Q

Ministry of Natural Resources should be recognized as the implementing body for issuance of forestry agreements and tree-cutting permits.

Recommendation R

The Niagara Escarpment Commission should amend their policies related to mineral resources to accommodate the industry better until alternative sources can be found outside the planning area.

Recommendation S

Selected, high priority mineral resource protection areas should be identified on a reference map for the entire planning area.

Recommendation T

The following policies should apply to the licensing of new pits and quarries in the Niagara Escarpment Planning Area:

(a) In Escarpment Rural Areas:

Within those areas identified by the Ministry of Natural Resources as "high priority mineral resource protection areas", new licensing procedures without amendment to the Niagara Escarpment Plan.

NOTE: Appropriate development control procedures and the Ministry of Natural Resources licensing procedures would apply.

(b) In all other parts of the planning area:

new licences should not be issued except through an amendment to the Niagara Escarpment Plan.

Recommendation U

The Niagara Escarpment Commission should develop specific criteria for each land use designation to be used by the implementing

body to evaluate the acceptability of licence applications.

Recommendation V

The Niagara Escarpment Commission, in consultation with the Ministry of Natural Resources, should develop appropriate policies to protect from incompatible uses, those areas identified by Ministry of Natural Resources as "High Priority Mineral Resource Protection Areas".

Recommendation W

Re: Section 2.9.2

That part of Section 2.9.2 which relates to the possible purchase of lots of record by the Government of Ontario should only apply to lots located within approved acquisition areas.

EXHIBITS:

120. Comparison of Ministry of Natural Resources High Priority Mineral Aggregate Resources, March 1980, with:  
M.N.R./Conservation Authority owned lands - up-dated  
to November 22, 1979

M.N.R. Life Science Candidate Nature Reserves, 1976

M.N.R. Earth Science Candidate Nature Reserves, 1976

Selected M.N.R. High Priority Crushed Stone/Sand and  
Gravel Resources, 1976

Includes:

Map 2, Regional Municipality of Hamilton-Wentworth

Map 3, Regional Municipality of Halton

Map 4, Regional Municipality of Peel, County of Dufferin  
(Township of Mono)

Map 5 and 6, Combined County of Dufferin (Township  
of Mulmur)/County of Simcoe (Township of  
Nottawasaga), Grey County (West)

Map 7, Grey County (East)

Map 8, Bruce County (South)

121. Ontario Provincial Parks

Planning and Management Policies, June 1978

122. Curriculum Vitae - Frederick M. Johnson

RECOMMENDATION:

None.

REASONS:

This submission was generally in support of the Proposed Plan and also covered several alleged deficiencies in the Plan. We have attempted to answer many of the problems set out in this submission in our recommendations, comments and reasons in the general section of this report.



AGENT: Eric Salmond, Director

GROUP: Foundation for Aggregate Studies

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SUMMARY OF SUBMISSION:

This submission limited comments to the mineral aggregate policies in the Proposed Plan but pointed out that it entirely supports the comments of the Coalition on the Niagara Escarpment.

In regard to mineral aggregate policies the following recommendations and comments were made:

1. That pits and quarries in the Escarpment Natural Areas and Escarpment Protection Areas, be prohibited; and
2. That prior to licensing a pit or quarry in the Escarpment Rural Areas, there must be an assessment of its proposed impacts on the environment, the social effects and the effects on prime agricultural lands, along with an amendment to the Niagara Escarpment Plan; and
3. That in the event that a permit or licence is issued in the Escarpment Rural Area, after careful scrutiny of the environmental assessment, that stringent requirements for rehabilitation of the site back to its original use, and compatible with adjacent lands, along with a firm timetable for complete restoration, be made conditions of any licence; and
4. That existing extractive operations be permitted to continue for no longer than five years from date of approval of the Niagara Escarpment Plan, and that the affected lands be restored as much as possible to their former scenic value; and



5. That no further permits or licences be issued to existing pit and quarry operators to construct accessory buildings and facilities within this five-year phased-out period; and
6. That wayside pit operations either for the use of local municipalities or, more crucially, the Ministry of Transportation and Communications should be prohibited within the Escarpment Protection Areas due to the fact that this use is not prescribed in the objectives set down for this land use designation; and
7. That prior to the issuance of a permit or licence for any pit or quarry operation in the Escarpment Rural Areas, an environmental and social impact assessment be carried out by the proponent and reviewed and commented upon by the Ministry of the Environment and the Ministry of Agriculture and Food, with special attention being given to the preservation of Class 1 - 3 agricultural lands; and
8. That the definition of "aggregates" be made consistent with that defined in any new Provincial legislation, or policies affecting the planning, management and/or extraction of resources.

EXHIBIT:

123. Ministry of Natural Resources 1980 - Ontario  
Geological Survey (Aggregate Resources Inventory)  
Erin Township, Wellington County  
Selected Sand & Gravel Resource Areas: Scale: 1:50000

RECOMMENDATION:

None.

REASONS:

This submission was generally in support of the Proposed Plan and also covered some alleged deficiencies in the Plan. We have attempted to answer these problems in our recommendations, comments and reasons in the general section of this report.

COUNSEL:       Burton H. Kellock, Q.C.

GROUP:         Aggregate Producers Association of Ontario

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SUMMARY OF SUBMISSION:

This lengthy submission on behalf of the above Association did not limit itself to the mineral resources aspects of the Proposed Plan but offered comments and recommendations on all components.

Several witnesses gave evidence on behalf of this submission as follows:

- |                   |   |
|-------------------|---|
| Garry M. Stamm    | - The Economic Impact on the Mineral<br>Aggregate Industry of the Proposed Plan |
| Jerome Haggarty,  | - Environmental Review of the Proposed  |
| William E. Coates | Plan for the Niagara Escarpment   |
| and Fred Gilbert. |   |
| Ian MacNaughton   | - Planning  |

It was contended by this submission that as far as the achievement of the public goal of having access to necessary present and future supplies of aggregate at competitive prices is concerned, the provisions of the Proposed Plan are detrimental.

The following recommendations together with the suggestions in the wording of the Proposed Plan which we have not included in this summary set out the results of this submission:

1. The Niagara Escarpment Plan should include a map identifying high priority mineral resource areas.
2. The Niagara Escarpment Plan should include policy which recognizes the importance of this non-renewable resource and provides protection from uses which would preclude its planned utilization.
3. The Niagara Escarpment Plan should state that the designations are preliminary and therefore subject

to adjustment based on site specific analysis.

4. The Niagara Escarpment Plan should permit any application to be considered, its appropriateness to be determined on the basis of detailed knowledge of the site and finalization of the designated boundaries.
5. In order to place the evaluation of applications on an objective basis, scientific criteria for measuring impact should be adopted, whether zoning or development control is the method of regulation.
6. The Niagara Escarpment Plan should be implemented through restricted area by-laws. This would enable appeals to be referred to the Ontario Municipal Board without the need for change in legislation.

Exhibit 129 was filed with this submission. This is the Ministry of Natural Resources "Mineral Aggregate Policy for Official Plans" which was approved by the Cabinet on March 15, 1978. This was filed in support of the contention that areas of high aggregate resource potential must be identified for possible future extraction adequate to meet future Provincial demands.

EXHIBITS:

124. Curriculum Vitae - Garry M. Stamm
125. Curriculum Vitae - Jerome M. Hagarty
126. Curriculum Vitae - Frederick Franklin Gilbert
127. Ontario Department of Mines & Northern Affairs  
The Niagara Escarpment by D.F. Hewitt  
Industrial Mineral Report No. 35, 1971
128. Curriculum Vitae - Ian F. MacNaughton
129. Letter from James A.C. Auld, Minister, Ministry of Natural Resources, dated September 11, 1979 with attachment: Ministry of Natural Resources (Mineral

Resource Group)

Mineral Aggregate Policy for Official Plans  
dated April 12, 1979 and approved by Dr. J.K.  
Reynolds, Deputy Minister.

RECOMMENDATION:

None.

REASONS:

These matters are dealt with in recommendations, comments and reasons in the general section of this report.

FILE NO. G 700-6

SUBMISSION NO. 217  
(Written Only)

GROUP: County of Simcoe

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SUMMARY OF SUBMISSION:

This submission was only to convey support of the Township of Nottawasaga's submission.

RECOMMENDATION:

None.

REASONS:

See Submission 177 (Township of Nottawasaga).



FILE NO. G 700-8

OWNER: Gordon T. Hill

SUBMISSION NO. 218  
(Written Only)

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SUMMARY OF SUBMISSION:

This submission was in opposition to any reference to the Bruce Trail included in the Proposed Plan.

RECOMMENDATION:

None.

REASONS:

Submission is much too negative to comment upon or to make any recommendation on it.

FILE NO. G 700-10

SUBMISSION NO. 219  
(Written Only)

OWNER: Dave Shepherd

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SUMMARY OF SUBMISSION:

This submission was in support of the Proposed Plan.

RECOMMENDATION:

None.

REASONS:

This submission indicates general support for the Proposed Plan and requires no further comment.

FILE NO. G 700-28

SUBMISSION NO. 220  
(Written Only)

OWNER: Clayton McKague

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SUMMARY OF SUBMISSION:

This submission is in opposition to the Proposed Plan.

RECOMMENDATION:

None.

REASONS:

This submission indicates general opposition to the Proposed Plan and requires no further comment.

FILE NO. G 700-32

SUBMISSION NO. 221  
(Written Only)

GROUP: Local Architectural Advisory Committee  
- Cookstown

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SUMMARY OF SUBMISSION:

In support of the Proposed Plan.

RECOMMENDATION:

None.

REASONS:

This submission indicates general support for the Proposed Plan and requires no further comment.

FILE NO. G 700-44

OWNER: Ms. Nina B. Carlisle

SUBMISSION NO. 222  
(Written Only)

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SUMMARY OF SUBMISSION:

In support of the Proposed Plan with the following comments:

1. Section 2.9.2 (1) -

One year not long enough.

2. Section 3.4 -

Acquisition should not be limited to a five-year period.

3. Sections 4.15 and 2.8 -

There should be no expansion of quarrying operations and existing licences should not be renewed but should be allowed to run out.

RECOMMENDATION:

None.

REASONS:

This submission was generally in support of the Proposed Plan and also covered some alleged deficiencies in the Plan. We have attempted to answer these problems in our recommendations, comments and reasons in the general section of this report.

FILE NO. G 700-46

SUBMISSION NO. 223  
(Written Only)

GROUP: Toronto Bruce Trail Club

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SUMMARY OF SUBMISSION:

This was a written submission on behalf of the above named club and contained a petition. The club indicates that the Proposed Plan contains reasonable and workable proposals with respect to the Bruce Trail.

RECOMMENDATION:

None.

REASONS:

This submission indicates general support for the Proposed Plan and requires no further comment.



FILE NO. G 700-52

SUBMISSION NO. 224  
(Written Only)

OWNER: . Robert M. Pearse

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SUMMARY OF SUBMISSION:

Would like to see a system of publicly owned parks along the Escarpment with public campsites.

RECOMMENDATION:

None.

REASONS:

This submission indicates general support for the Proposed Plan and requires no further comment.

FILE NO. G 700-115

SUBMISSION NO. 225  
(Written Only)

OWNER: Mr. David Wyonch

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SUMMARY OF SUBMISSION:

This was a written submission by Mr. Wyonch stating his opposition to any more controls over landowners.

RECOMMENDATION:

None.

REASONS:

This submission indicates general opposition to the Proposed Plan and requires no further comment.

FILE NO. G 700-137

SUBMISSION NO. 226  
(Written Only)

OWNER: Mrs. Melva Peterson

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SUMMARY OF SUBMISSION:

This was a written submission from Mrs. Peterson who lives in Campbell River, British Columbia, expressing her opposition to controls.

RECOMMENDATION:

None.

REASONS:

Submission is much too negative to comment upon or to make any recommendation on it.

FILE NO. G 700-140

SUBMISSION NO. 227  
(Written Only)

OWNER: C.D. Dittrich

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SUMMARY OF SUBMISSION:

Mr. Dittrich's written submission was a copy of the Toronto Bruce Trail petition in Submission 223.

RECOMMENDATION:

None.

REASONS:

This submission indicates general support for the Proposed Plan and requires no further comment.









